

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AARON RICH

Plaintiff,

v.

EDWARD BUTOWSKY,  
MATTHEW COUCH, and  
AMERICA FIRST MEDIA

Defendants.

Civil Action No. 1:18-cv-00681-RJL

Hon. Richard J. Leon

**PLAINTIFF'S MOTION FOR ISSUANCE OF A LETTER OF REQUEST**

MICHAEL J. GOTTLIEB  
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*Attorneys for Plaintiff Aaron Rich*

Plaintiff Aaron Rich alleges that Defendants Ed Butowsky and Matt Couch defamed Mr. Rich by falsely stating that Mr. Rich and his brother, Seth Rich, stole documents from the Democratic National Committee (“DNC”) and provided those documents to WikiLeaks in exchange for money. WikiLeaks and its founder, Julian Assange, are uniquely positioned to confirm the truth: that neither Mr. Rich nor his brother ever provided any documents to, or received any payments from, WikiLeaks or its agents. However, despite multiple attempts through various channels over more than a year, Mr. Rich has to date been unable to serve a subpoena on WikiLeaks or Mr. Assange—or even confirm an address or agent on whom to serve a subpoena on them—as the former does not have a known physical location for service of process and the latter had been under the protection of the Ecuadorian Embassy prior to his more recent incarceration in the United Kingdom.

Given Mr. Rich’s repeated failed efforts to serve a Rule 45 subpoena on Mr. Assange through traditional channels, Mr. Rich hereby requests that the Court issue the Letter of Request attached to this motion, which requests judicial assistance from the United Kingdom court system in requiring Mr. Assange to appear for a deposition to respond to a limited set of questions. *See* Declaration of Meryl C. Governski in Support of Mr. Rich’s Motion for Issuance of a Letter of Request (hereinafter “Governski Decl.”) Ex. 1.<sup>1</sup> Plaintiff has already submitted a separate motion requesting permission to serve a subpoena for documents on WikiLeaks via Twitter. Dkt. 89.

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<sup>1</sup> As Local Rule 7(m) requires, Plaintiff met and conferred with counsel for Defendants. Mr. Couch consents to the filing of this motion; however, he has asked for this motion to reflect his position that he disputes that he asserted that Mr. Rich “stole” any documents. Mr. Couch’s position is that “[w]histleblowers receive compensation all the time and that does not make them ‘thiefs’.” Despite Plaintiff’s multiple attempts to confer with Mr. Butowsky as to his position regarding the filing of this motion, Mr. Butowsky has not responded, and therefore Plaintiff cannot represent that the motion is unopposed as to him.

## **BACKGROUND**

Seth Rich is a former DNC staffer who was murdered in Washington, D.C. in July 2016 in what law enforcement has described as a botched armed robbery. *See* Dkt. 3 ¶¶ 25-26. Exploiting the circumstances of Seth Rich’s death, Defendants have promoted a false conspiracy theory that he and his brother, Plaintiff Aaron Rich, stole emails from the DNC and sold those emails to WikiLeaks, and that Seth Rich was assassinated as a result. *Id.* ¶¶ 6–7.

Defendants have seized upon statements that WikiLeaks’ founder, Julian Assange, made on a Dutch television program approximately one month after Seth Rich’s murder. In that interview, Mr. Assange made comments that Defendants have interpreted as an insinuation that Seth Rich was a WikiLeaks source.<sup>2</sup> Although WikiLeaks subsequently released a statement on Twitter that its policy of neither confirming nor denying “whether any person has ever been a source for WikiLeaks” should “not be taken to imply that Seth Rich was a source to WikiLeaks or to imply that his murder is connected to our publications,”<sup>3</sup> WikiLeaks nonetheless continued to publish tweets about Seth Rich that provided fodder for Defendants’ conspiracy theories.<sup>4</sup> Special

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<sup>2</sup> *See* Interview by Eelco Bosch van Rosenthal with Julian Assange, Founder, WikiLeaks, Nieuwsuur (Aug. 9, 2016), clip available at <https://www.youtube.com/watch?v=Kp7FkLBRpKg>, *Governski Decl. Ex. 2* (Assange: “Whistleblowers go to significant efforts to get us material and often very significant risks. There’s a 27-year-old who works for the DNC who was shot in the back, murdered, just a few weeks ago, for unknown reasons as he was walking down the streets in Washington.”).

<sup>3</sup> WikiLeaks (@wikileaks), Twitter (Aug. 10, 2016, 7:41 PM), <https://twitter.com/wikileaks/status/763565863861616640>, *Governski Decl. Ex. 3*.

<sup>4</sup> These tweets included a link to the now-retracted May 16, 2017 Fox News story alleging that Seth Rich was involved in stealing the DNC emails, and excerpts of audio recordings of private phone conversations Defendant Butowsky had with Rod Wheeler, and separately with Seymour Hersh. *See* WikiLeaks (@wikileaks), Twitter (May 16, 2017, 3:15 PM), <https://twitter.com/wikileaks/status/864605358488256514>, *Governski Decl. Ex. 4*; WikiLeaks (@wikileaks), Twitter (Aug. 1, 2017, 2:18 PM), <https://twitter.com/wikileaks/status/892494677823434753>, *Governski Decl. Ex. 5*; WikiLeaks

Counsel Robert Mueller concluded that Assange's and WikiLeaks' "statements about Rich implied falsely that he had been the source of the stolen DNC emails," noting that "information uncovered during the investigation discredit WikiLeaks' claims about the source of material that it posted."<sup>5</sup>

Mr. Rich seeks to depose Mr. Assange to confirm what Mr. Rich knows to be true: that neither he nor WikiLeaks has any evidence that Mr. Rich or Seth Rich were involved in stealing the DNC emails (because they were not). Through counsel, Mr. Rich repeatedly has endeavored to serve subpoenas on WikiLeaks and Mr. Assange through numerous channels, but those efforts have been unsuccessful. WikiLeaks does not maintain a traditional physical address,<sup>6</sup> or an agent on whom service is authorized,<sup>7</sup> and Mr. Assange, until his recent incarceration in the United Kingdom, was in seclusion in the Ecuadorian Embassy.<sup>8</sup>

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(@wikileaks), Twitter (Aug. 1, 2017, 3:22 PM), <https://twitter.com/wikileaks/status/892510925244203008>, Governski Decl. Ex. 6.

<sup>5</sup> Special Counsel Robert S. Mueller, III, *Report On The Investigation Into Russian Interference In The 2016 Presidential Election* (Mar. 2019), at 48, <https://www.justice.gov/storage/report.pdf> (last visited Oct. 28, 2019), Governski Dec. Ex. 7.

<sup>6</sup> *WikiLeaks:Contact*, WikiLeaks, <https://wikileaks.org/wiki/WikiLeaks:Contact> (last visited Oct. 28, 2019), Governski Decl. Ex. 8 (providing post office box at the University of Melbourne as only address and indicating sender should "Pick any name likely to evade postal censorship in [his or her] country"); "Democrats serve Australia-based WikiLeaks with lawsuit via Twitter," *The Sydney Morning Herald* (Aug. 11, 2018, 10:09 AM), <https://www.smh.com.au/world/north-america/us-democrats-serve-australia-based-wikileaks-with-lawsuit-via-twitter-20180811-p4zww0.html>, Governski Decl. Ex. 9 ("While WikiLeaks' physical presence is difficult to discern, it has a robust online presence, including an active presence on Twitter." (internal citation and quotation marks omitted)).

<sup>7</sup> *WikiLeaks:Legal*, WikiLeaks, <https://wikileaks.org/wiki/WikiLeaks:Legal> (last visited Oct. 28, 2019), Governski Decl. Ex. 10 (although the website states "Send all USA legal correspondence to our lawyers" at [wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org), and "To contact Wikileaks (USA)'s Designated Agent . . . please email this address listed below. You will then be provided with contact details for the Wikileaks Agent: [wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org)," as explained below, emails sent to that address get bounced back to the sender).

<sup>8</sup> David Welna, "12 Years Of Disruption: A WikiLeaks TimeLine," *NPR* (April 11, 2019, 2:11 PM), <https://www.npr.org/2019/04/11/712306713/12-years-of-disruption-a-wikileaks-timeline>,

Mr. Rich first attempted to serve subpoenas on Mr. Assange in July 2018 by executing letters rogatory pursuant to the Inter-American Convention on Letters Rogatory and Additional Protocol (“IACAP”). Mr. Rich submitted materials to the Department of Justice regarding that request, *see* Governski Decl. Ex. 13, but on July 19, 2018, the Department of Justice Office of International Judicial Assistance (“OIJA”) rejected those attempts, stating it was “unable to assist” in serving a Rule 45 subpoena on Mr. Assange because “[t]he proper route for obtaining evidence located abroad is pursuant to an international judicial assistance request.” *Id.* Ex. 14.

In April 2019, Mr. Rich’s counsel emailed Barry Pollack, who is Mr. Assange’s criminal defense counsel, to request Mr. Pollack’s assistance in serving a subpoena on Mr. Assange and/or WikiLeaks, *see id.* Ex. 15, but Mr. Pollack responded that he was “NOT authorized to accept service” of a subpoena to Mr. Assange, and that he does not represent WikiLeaks. *Id.* Ex. 16 at 2,

4. In August 2019, Mr. Rich’s counsel again contacted Mr. Pollack, explaining:

It has been near[l]y three months since this email exchange. While those three months have gone by, my client and his family have been defamed by individuals who continue to claim that Mr. Assange has relevant evidence regarding Seth and Aaron Rich that the Rich family is blocking him from releasing. As you know, that is false - as our letter clearly lays out, Mr. Rich has disclaimed any privilege and asked your client to provide whatever information he or WikiLeaks may have.

It is time to end this pointless harassment of the Rich family. Please advise whether you have communicated with your client regarding our message, which as you know contains more than a request to serve a subpoena.

If you are unwilling to help, we ask that you direct us promptly to a legal representative of either Mr. Assange or WikiLeaks with whom we may speak so that we may address this injustice.

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Governski Decl. Ex. 11; “Julian Assange: Wikileaks co-founder jailed over bail breach,” *BBC News* (May 1, 2019), <https://www.bbc.com/news/uk-48118908>, Governski Decl. Ex. 12.

*Id.* at 1. To date, counsel for Mr. Rich has received no response.

On September 10, 2019, Mr. Rich’s counsel sent an email to “wl-legal@sunshinepress.org,” which the WikiLeaks:Legal webpage provides as the address to which “all USA legal correspondence” should be sent, explaining that the sender “will then be provided with a postal address and contact details.”<sup>9</sup> *See* Governski Decl. Ex. 17. In its correspondence, Mr. Rich’s counsel asked whether WikiLeaks:Legal “would be willing to discuss conditions under which you could participate in our litigation, including but not limited to your agreement to accept service of a subpoena.” *Id.* Alternatively, Mr. Rich’s counsel requested a point of contact for outside counsel. *Id.* After receiving a notice that the email to wl-legal@sunshinepress.org was not delivered due to an “unavailable or busy” server, *id.* Ex. 18, Mr. Rich’s counsel attempted to send the same email to wl-lawyers@sunshinepress.org, *see id.* Ex. 19, but Mr. Rich’s counsel again received notice that the email was undeliverable due to an “unavailable or busy” server, *see id.* Ex. 20. On September 14, 2019, Mr. Rich’s counsel received notification that neither email was delivered despite 30 attempts made to deliver each email over a period of 93 hours. *See id.* Exs. 21, 22. On September 20, Mr. Rich’s counsel made yet another attempt to resend the email to both wl-legal@sunshinepress.org and wl-lawyers@sunshinepress.org. *See id.* Ex. 23. However, Mr. Rich’s counsel again received notifications that its email was not delivered to either recipient email address, notwithstanding six attempts made to deliver the email over a period of one hour and 30 attempts made to deliver the email over a period of 93 hours. *See id.* Exs. 24, 25, 26, 27.

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<sup>9</sup> *WikiLeaks:Legal*, WikiLeaks, <https://wikileaks.org/wiki/WikiLeaks:Legal> (last visited Sept. 23, 2019), Governski Decl. Ex. 10.

## ARGUMENT

Federal Rule of Civil Procedure 28(b) permits depositions in foreign jurisdictions “under a letter of request, whether or not captioned a ‘letter rogatory’ . . . on appropriate terms after an application and notice of it[.]” As recognized by this Court, Rule 28(b) “functions within the larger discovery framework, outlined in Federal Rule of Civil Procedure 26, which allows ‘[p]arties [to] obtain discovery regarding any non[-]privileged matter that is relevant to any party’s claim or defense[.]’” *Dist. Title v. Warren*, No. 14-1808 ABJ/DAR, 2016 WL 10749155, at \*4 (D.D.C. Dec. 23, 2016) (quoting Fed. R. Civ. P. 26(b)(1)) (alterations in original). To deny a request for judicial assistance by means of a letter of request, a court must set forth “some good reason.” *Id.* (quoting *Zassenhaus v. Evening Star Newspaper Co.*, 404 F.2d 1361 (D.C. Cir. 1968)). In considering the request, “a court may not weigh the evidence that is to be adduced . . . [or] attempt to predict, whether, in fact, the witnesses will be able to give the testimony which is sought.” *Id.* (citations and internal quotations omitted) (alterations in original). Moreover, “letters rogatory may issue ‘without a showing that taking the deposition in another manner is impracticable or inconvenient.’” *Id.* (quoting Fed. R. Civ. P. 28(b)(2)(B)). The ultimate determination of whether a letter of request should issue is a “factual determination[ ] turning upon the circumstances of the particular case.” *Id.* (citation and internal quotation omitted); *see also id.* at \*5 (“While the court has discretion to decide whether the issuance of such a request is appropriate, the court’s decision is guided by the Federal Rules governing general discovery.”).

The Court should issue a letter of request to the United Kingdom court system in this case. Defendants Couch and Butowsky both name Julian Assange in their respective initial disclosures as an individual with discoverable information, thereby representing their view that Mr. Assange

possesses evidence critical to their defenses. *See* Governski Decl. Exs. 28, 29.<sup>10</sup> Defendant Couch goes one step further, repeatedly referencing the “leaking of the DNC emails to Wikileaks” in his descriptions of likely discoverable information possessed by the individuals on whom he intends to rely for his defenses, illustrating the significance of the alleged fact that Mr. Rich and his brother leaked DNC emails to WikiLeaks. *Id.* Ex. 28 ¶¶ I(2), (4), (11), (12), (13), (15), (22), (23). Mr. Assange—as the founder of the entity to which the emails were allegedly leaked—is uniquely positioned to confirm Mr. Rich’s core allegation that there is no evidence that Mr. Rich or his brother provided the DNC emails to Julian Assange at WikiLeaks in exchange for payment.

Mr. Rich respectfully requests this Court exercise its authority to request assistance from the UK court system because Mr. Rich has spent more than a year unsuccessfully attempting to serve Mr. Assange, both via the IACAP process while he was living in the Ecuadorian embassy in the UK and via his personal attorney after he was taken into UK custody. *Warren*, 2016 WL 10749155, at \*4, \*6 (“It is well-established that courts have the authority to request the assistance of foreign tribunals, through letters rogatory, in order to obtain discovery” from a third-party foreign entity that the party “has been unable to secure” due to an adversary’s unresponsiveness to traditional channels); *see also* Governski Decl. Ex. 14 (“The proper route for obtaining evidence located abroad is pursuant to an international judicial assistance request.”).<sup>11</sup>

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<sup>10</sup> Defendants Couch and Butowsky have also both made statements either in public documents or within the context of this litigation regarding conversations in which Mr. Assange participated. *See* Defendant Couch’s June 23, 2019 Email attaching his initial (unverified) “Reply for Requested Documents from Matthew Couch,” Governski Decl. Ex. 30; Declaration of Edward Butowsky, *Butowsky v. Gottlieb, et al.*, Case No. 4:19-cv-00180 (E.D. Tex. Oct. 29, 2019), Dkt. 172-3, Governski Decl. Ex. 31 ¶¶ 1, 5. Plaintiff should be permitted to obtain testimony from Mr. Assange that either corroborates or (more likely) demonstrates the falsity of those statements.

<sup>11</sup> *See also* *Lantheus Med. Imaging, Inc. v. Zurich Am. Ins. Co.*, 841 F. Supp. 2d 769, 776 (S.D.N.Y. 2012) (“In the United States, Congress has empowered federal courts to issue and to enforce letters



The relief Mr. Rich requests is narrow: assistance in securing a deposition with Mr. Assange to obtain “critical,” “relevant and necessary” testimony in response to a limited set of questions. *See Warren*, 2016 WL 10749155, at \*6 (granting request where it was limited to relevant evidence Plaintiff was unable to secure due to unresponsiveness); *Evanston*, 2006 WL 1652315, at \*2 (permitting deposition of individual in foreign jurisdiction whose role was “critical” and whose deposition was “relevant and necessary”); Fed. R. Civ. P. 28(b); 28 U.S.C. § 1781(b)(2); *see also* Governski Decl. Ex. 1 (Letter of Request). Mr. Rich therefore respectfully requests that this court issue the Letter of Request to permit Mr. Rich to seek testimony critical to his case. *See Warren*, 2016 WL 10749155, at \*4; *Evanston*, 2006 WL 1652315, at \*2.

### **CONCLUSION**

For the foregoing reasons, Plaintiff respectfully requests issuance of the Letter of Request.

Dated: November 8, 2019

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rogatory” that “should issue” if “their use will facilitate discovery” (citation and internal quotation omitted)); *Evanston Ins. Co. v. OEA, Inc.*, No. CIV S-02-1505 DFL PAN, 2006 WL 1652315, \*2 (E.D. Cal. June 13, 2006) (“[L]etters rogatory shall issue unless good cause is shown otherwise.”).

**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that on November 8, 2019, the foregoing document was (1) filed through the CM/ECF system and thereby served electronically on counsel and parties who receive notice through CM/ECF and (2) emailed to Edward Butowsky at [ebutowsky@gmail.com](mailto:ebutowsky@gmail.com), Eden Quainton at [equainton@gmail.com](mailto:equainton@gmail.com), and Matthew Couch and America First Media at [mattcouch@af-mg.com](mailto:mattcouch@af-mg.com).

Dated: November 8, 2019

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**UNITED STATES DISTRICT COURT  
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Plaintiff,

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EDWARD BUTOWSKY,  
MATTHEW COUCH, and  
AMERICA FIRST MEDIA,

Defendants.

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Hon. Richard J. Leon

**DECLARATION OF MERYL C. GOVERNSKI IN SUPPORT OF MR. RICH'S  
MOTION FOR ISSUANCE OF A LETTER OF REQUEST**

I, Meryl C. Governski, declare under penalty of perjury that the foregoing is true and correct:

1. I am counsel for Plaintiff Aaron Rich. This declaration is based on my personal knowledge and upon information provided to me in my official capacity.

2. Attached as Exhibit 1 to this Declaration is a true and correct copy of Mr. Rich's Request for International Judicial Assistance: Letter of Request Pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the "Hague Convention").

3. Attached as Exhibit 2 to this Declaration is a slip sheet for a true and correct copy of a Nieuwsuur video, "Julian Assange on Seth Rich," to be submitted in DVD format. The video is also available online at <https://www.youtube.com/watch?reload=9&v=Kp7FkLBRpKg> (last visited Oct. 28, 2019).

4. Attached as Exhibit 3 to this Declaration is a true and correct copy of a PDF printout of WikiLeaks' August 10, 2016, 7:41 PM tweet, <https://twitter.com/wikileaks/status/763565863861616640>.

5. Attached as Exhibit 4 to this Declaration is a true and correct copy of a PDF printout of WikiLeaks' May 16, 2017, 3:15 PM tweet, <https://twitter.com/wikileaks/status/864605358488256514>.

6. Attached as Exhibit 5 to this Declaration is a true and correct copy of a PDF printout of WikiLeaks' August 1, 2017, 2:18 PM tweet, <https://twitter.com/wikileaks/status/892494677823434753>.

7. Attached as Exhibit 6 to this Declaration is a true and correct copy of a PDF printout of WikiLeaks' August 1, 2017, 3:22 PM tweet, <https://twitter.com/wikileaks/status/892510925244203008>.

8. Attached as Exhibit 7 to this Declaration is a true and correct copy of an excerpt of Special Counsel Robert S. Mueller, III's *Report On The Investigation Into Russian Interference In The 2016 Presidential Election*, dated March 2019, <https://www.justice.gov/storage/report.pdf>.

9. Attached as Exhibit 8 to this Declaration is a true and correct copy of a PDF printout of the WikiLeaks:Contact webpage, <https://wikileaks.org/wiki/WikiLeaks:Contact> (last visited Oct. 28, 2019).

10. Attached as Exhibit 9 to this Declaration is a true and correct copy of "Democrats serve Australia-based WikiLeaks with lawsuit via Twitter," an article by Anthony Colangelo, published in *The Sydney Morning Herald* on August 11, 2018, <https://www.smh.com.au/world/north-america/us-democrats-serve-australia-based-wikileaks-with-lawsuit-via-twitter-20180811-p4zww0.html>.

11. Attached as Exhibit 10 to this Declaration is a true and correct copy of a PDF printout of the WikiLeaks:Legal webpage, <https://wikileaks.org/wiki/WikiLeaks:Legal> (last visited Oct. 28, 2019).

12. Attached as Exhibit 11 to this Declaration is a true and correct copy of “12 Years Of Disruption: A WikiLeaks TimeLine,” an article by David Welna, published by *NPR* on April 11, 2019, <https://www.npr.org/2019/04/11/712306713/12-years-of-disruption-a-wikileaks-timeline>.

13. Attached as Exhibit 12 to this Declaration is a true and correct copy of “Julian Assange: Wikileaks co-founder jailed over bail breach,” an article published by *BBC News* on May 1, 2019, <https://www.bbc.com/news/uk-48118908>.

14. Attached as Exhibit 13 to this Declaration are true and correct copies of a July 17, 2018 email from M. Governski to K. Ossenova (DOJ-Office of International Judicial Assistance (“DOJ-OIJA”)) re: IACAP Inquiry and the July 17, 2018 Letter from M. Governski to K. Ossenova (DOJ-OIJA) that was attached to the email.

15. Attached as Exhibit 14 to this Declaration is a true and correct copy of a July 19, 2018 email from K. Ossenova (DOJ-OIJA) to M. Governski re: IACAP Inquiry.

16. Attached as Exhibit 15 to this Declaration are true and correct copies of an April 19, 2019 email from M. Gottlieb to B. Pollack re: Correspondence re J. Assange and the April 19, 2019 Letter from M. Gottlieb to B. Pollack that was attached to the email.

17. Attached as Exhibit 16 to this Declaration is a true and correct copy of an email chain between M. Gottlieb and B. Pollack dated April 19, 2019 through August 14, 2019, with page numbers added for ease of reference.

18. Attached as Exhibit 17 to this Declaration is a true and correct copy of a September 10, 2019 email from M. Governski to wl-legal@sunshinepress.org re: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.).

19. Attached as Exhibit 18 to this Declaration is a true and correct copy of a September 10, 2019 Mimecast Email Alert delivered to M. Governski indicating the September 10, 2019 email from M. Governski to wl-legal@sunshinepress.org re: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.) was not delivered due to an “unavailable or busy” server.

20. Attached as Exhibit 19 to this Declaration is a true and correct copy of a September 10, 2019 email from M. Governski to wl-lawyers@sunshinepress.org re: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.).

21. Attached as Exhibit 20 to this Declaration is a true and correct copy of a September 10, 2019 Mimecast Email Alert delivered to M. Governski indicating the September 10, 2019 email from M. Governski to wl-lawyers@sunshinepress.org re: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.) was not delivered due to an “unavailable or busy” server.

22. Attached as Exhibit 21 to this Declaration is a true and correct copy of a September 14, 2019 Mimecast Email Alert delivered to M. Governski indicating the September 10, 2019 email from M. Governski to wl-legal@sunshinepress.org re: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.) was not delivered due to an “unavailable or busy” server “after 30 attempt(s) to deliver over a period of 93 hour(s).”

23. Attached as Exhibit 22 to this Declaration is a true and correct copy of a September 14, 2019 Mimecast Email Alert delivered to M. Governski indicating the September 10, 2019 email from M. Governski to wl-lawyers@sunshinepress.org re: FW: Rich v. Butowsky et al, No.

1:18-cv-00681-RJL (D.D.C.) was not delivered due to an “unavailable or busy” server “after 30 attempt(s) to deliver over a period of 93 hour(s).”

24. Attached as Exhibit 23 to this Declaration is a true and correct copy of a September 20, 2019 email from M. Goverski to wl-lawyers@sunshinepress.org and wl-legal@sunshinepress.org re: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.).

25. Attached as Exhibit 24 to this Declaration is a true and correct copy of a September 20, 2019 Mimecast Email Alert delivered to M. Goverski indicating the September 20, 2019 email from M. Goverski to wl-lawyers@sunshinepress.org and wl-legal@sunshinepress.org re: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.) was not delivered to wl-lawyers@sunshinepress.org due to an “unavailable or busy” server “after 6 attempt(s) to deliver over a period of 1 hour(s).”

26. Attached as Exhibit 25 to this Declaration is a true and correct copy of a September 20, 2019 Mimecast Email Alert delivered to M. Goverski indicating the September 20, 2019 email from M. Goverski to wl-lawyers@sunshinepress.org and wl-legal@sunshinepress.org re: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.) was not delivered to wl-legal@sunshinepress.org due to an “unavailable or busy” server “after 6 attempt(s) to deliver over a period of 1 hour(s).”

27. Attached as Exhibit 26 to this Declaration is a true and correct copy of a September 24, 2019 Mimecast Email Alert delivered to M. Goverski indicating the September 20, 2019 email from M. Goverski to wl-lawyers@sunshinepress.org and wl-legal@sunshinepress.org re: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.) was not delivered to wl-legal@sunshinepress.org due to an “unavailable or busy” server “after 30 attempt(s) to deliver over a period of 93 hour(s).”

28. Attached as Exhibit 27 to this Declaration is a true and correct copy of a September 24, 2019 Mimecast Email Alert delivered to M. Governski indicating the September 20, 2019 email from M. Governski to wl-lawyers@sunshinepress.org and wl-legal@sunshinepress.org re: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C.) was not delivered to wl-lawyers@sunshinepress.org due to an “unavailable or busy” server “after 30 attempt(s) to deliver over a period of 93 hour(s).”

29. Attached as Exhibit 28 to this Declaration is a true and correct copy of Defendant Couch’s Rule 26(a) Initial Disclosures, served on Plaintiff on August 18, 2019.

30. Attached as Exhibit 29 to this Declaration is a true and correct copy of Defendant Butowsky’s Rule 26(a) Initial Disclosures, served on Plaintiff on August 16, 2019.

31. Attached as Exhibit 30 to this Declaration are true and correct copies of a June 23, 2019 email from M. Couch to M. Governski and the attached initial (unverified) “Reply for Requested Documents from Matthew Couch.”

32. Attached as Exhibit 31 to this Declaration is a true and correct copy of a Declaration submitted by Edward Butowsky on October 29, 2019 in *Butowsky v. Gottlieb, et al.*, Case No. 4:19-cv-00180 (E.D. Tex.) as Docket Entry 172-3, in support of his Response in Opposition to a Motion for Sanctions.

Executed: November 8, 2019

/s/ Meryl C. Governski  
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Tel: (202) 237-2727  
Fax: (202) 237-6131  
mgovernski@bsfllp.com



# EXHIBIT 1

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AARON RICH

Plaintiff,

v.

EDWARD BUTOWSKY,  
MATTHEW COUCH, and  
AMERICA FIRST MEDIA

Defendants.

Civil Action No. 1:18-cv-00681-RJL

Hon. Richard J. Leon

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
LETTER OF REQUEST PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH  
1970 ON THE TAKING OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL  
MATTERS (THE “HAGUE CONVENTION”)**

The United States District Court for the District of Columbia presents its compliments to the appropriate judicial authority of the United Kingdom (“UK”), and requests international judicial assistance to obtain evidence to be used in a civil proceeding before this Court in the above-captioned matter. Upon hearing the Plaintiff’s Motion for Issuance of a Letter of Request supported by the Declaration of Meryl C. Governski (hereinafter “Governski Decl.”), this Court has determined that it would further the interests of justice if by the proper and usual process of your Court, you summon Julian Assange to appear before a person empowered under English law to administer oaths and take testimony forthwith, to give testimony under oath or affirmation by questions and answers upon oral examination in respect of the matters and issues identified below, and permit the parties to create a written transcript and video recording of such testimony.

The applicant for this letter is Aaron Rich. UK counsel is available to answer any questions the Court may have.

This request is made pursuant to Rules 4(f)(2)(B) and 28(b)(1)(B) of the Federal Rules of Civil Procedure; the All Writs Act, 28 U.S.C. § 1651 and 28 U.S.C. § 1781 (permitting the transmittal of letters rogatory/letters of request through the district courts and the Department of State); the Evidence (Proceedings in Other Jurisdictions) Act 1975, c. 34 (UK); and Part 34 of the Civil Procedure Rules 1998. The United States District Court for the District of Columbia is a competent court of law and equity which properly has jurisdiction over this proceeding, and has the power to compel the attendance of witnesses both within and outside its jurisdiction. On information and belief, Mr. Assange is imprisoned in the HM Belmarsh High Security Prison in London, UK. On information and belief, Mr. Assange has or is likely to have knowledge of the subject matter specified in Section 7 below.

A trial on this matter is scheduled to commence on June 8, 2019. The testimony is intended for use at trial, and in the view of this Court, will be relevant to claims and defenses in the case, including Plaintiff Aaron Rich's allegations of defamation.

This request is made with the understanding that it will in no way require any person to commit any offense, or to undergo a broader form of inquiry than he or she would if the litigation were conducted in a UK court. The requesting Court is satisfied that the testimony sought to be obtained through this request is critical, relevant and necessary, for the reasons stated in Section 7 below, and cannot reasonably be obtained by other methods. Because this Court lacks authority to compel participation of Mr. Assange and, such participation being necessary in order that justice be served in the above-captioned proceedings, this Court respectfully requests assistance from the Central Authority for the United Kingdom.

**1. SENDER**

HONORABLE SENIOR JUDGE RICHARD J. LEON  
United States District Court Judge  
United States District Court for the District of Columbia  
E. Barrett Prettyman United States Courthouse  
333 Constitution Ave, NW  
Washington, DC 20001  
United States of America

**2. CENTRAL AUTHORITY FOR THE UNITED KINGDOM**

THE SENIOR MASTER OF THE QUEEN'S BENCH DIVISION  
For the attention of the Foreign Process Section  
Room E16  
Royal Courts of Justice  
Strand  
London WC2A 2LL  
United Kingdom

**3. IDENTITY AND ADDRESS OF THE PERSON TO BE EXAMINED**

JULIAN ASSANGE  
HM Prison Belmarsh  
Western Way  
London SE28 0EB  
United Kingdom

**4. PERSON TO WHOM THE EXECUTED REQUEST IS TO BE RETURNED**

THIS COURT AND REPRESENTATIVES OF THE PLAINTIFF  
PETER BURRELL AND MICHAEL J. GOTTLIEB  
WILLKIE FARR GALLAGHER (UK) LLP  
Citypoint, 1 Ropemaker Street  
London EC2Y 9AW  
United Kingdom

**5. SPECIFICATION OF DATE BY WHICH THE REQUESTING AUTHORITY  
REQUIRES RECEIPT OF THE RESPONSE TO THE REQUEST**

Due to the imminent commencement date of the trial, June 8, 2019, and the necessary finalization of evidence prior to trial [as well as the fact that Mr. Assange's extradition case will begin on February 25, 2019], Mr. Rich requests a response as soon as possible, and by the end of January 2020 at the latest.

**6. NAMES AND ADDRESSES OF THE PARTIES AND THEIR REPRESENTATIVES**

The evidence requested relates to the action *Rich v. Butowsky, et al.*, Civil Action No. 1:18-cv-000681-RJL (D.D.C.), United States District Court for the District of Columbia.

**The parties and their representatives are listed herein as follows:**

**a. Plaintiff:**

Aaron Rich  
c/o Michael J. Gottlieb  
WILLKIE FARR GALLAGHER LLP  
1875 K Street, NW  
Washington, DC 20006

*Represented By:*

BOIES SCHILLER FLEXNER LLP  
Joshua P. Riley  
Meryl C. Goverski  
1401 New York Ave, NW  
Washington DC 20005  
(202) 237-2727  
(202) 237-6131 facsimile

WILLKIE FARR GALLAGHER LLP  
Michael J. Gottlieb  
1875 K Street, NW  
Washington, DC 20006  
(202) 303-1000  
(202) 303-2000 facsimile

**b. Defendants**

Edward Butowsky  
2200 Bradbury Court  
Plano, TX 75093

*Pro Se*

Matthew Couch  
2300 West Ash Street  
Rogers, AR 72758

*Represented By:*

Eden P. Quainton  
Quainton Law, PLLC  
1001 Avenue of the Americas, 11th Floor  
New York, NY 10018  
(212) 813-8389  
(212) 813-8390 facsimile

America First Media  
2300 West Ash Street  
Rogers, AR 72758

*Pro Se*

7. **NATURE AND PURPOSE OF THE PROCEEDINGS AND SUMMARY OF THE FACTS**

Plaintiff Aaron Rich filed this civil lawsuit on March 26, 2018 against Edward Butowsky, Matthew Couch, America First Media, and The Washington Times (who has been dismissed from the case pursuant to settlement) for *inter alia* defamation and intentional infliction of emotional distress, seeking damages and injunctive relief. Complaint, *Rich v. Butowsky, et al.*, No. 1:18-cv-00681-RJL (D.D.C. Mar. 26, 18), Dkt. 3.

Mr. Rich's brother, Seth Rich, worked for the Democratic National Committee ("DNC") and was murdered in Washington, D.C. in July 2016 in what law enforcement has described as a botched armed robbery. *Id.* ¶¶ 25-26. Exploiting the circumstances of Seth Rich's death, Defendants promoted a false conspiracy theory that the Plaintiff and his brother stole emails from the DNC and sold those emails to WikiLeaks in exchange for money. *Id.* ¶¶ 6-7.

Defendants have seized upon statements that WikiLeaks' founder, Julian Assange, made on a Dutch television program approximately one month after Seth Rich's murder. In that

interview, Mr. Assange made comments that Defendants have interpreted as an insinuation (or more) that Seth Rich may have been a WikiLeaks source. Although WikiLeaks subsequently released a statement on Twitter that its policy of neither confirming nor denying “whether any person has ever been a source for WikiLeaks” should “not be taken to imply that Seth Rich was a source to WikiLeaks or to imply that his murder is connected to our publications,” WikiLeaks nonetheless continued to publish tweets about Seth Rich that provided fodder for Defendants’ conspiracy theories. Special Counsel Robert Mueller concluded that Assange’s and WikiLeaks’ “statements about Rich implied falsely that he had been the source of the stolen DNC emails,” noting that “information uncovered during the investigation discredit WikiLeaks’ claims about the source of material that it posted.”

Under District of Columbia law, to state a claim for defamation, a plaintiff must show he was the subject of a false and defamatory statement, negligently made to a third party, which caused the plaintiff harm. *Zimmerman v. Al Jazeera Am., LLC*, 246 F. Supp. 3d 257, 272 (D.D.C. 2017) (citing *Farah v. Esquire Magazine*, 736 F.3d 528, 533-34 (D.C. Cir. 2013)). Whether the statements made by the Defendants—that Mr. Rich and his brother stole emails from the DNC and provided them to Mr. Assange and/or WikiLeaks in exchange for payment—are false is therefore central to the resolution of this dispute. Mr. Assange is uniquely positioned to provide testimony confirming what Mr. Rich knows to be true: that neither Mr. Rich nor his brother has ever provided any documents to or received any payments from WikiLeaks or its agents. Mr. Assange’s testimony is therefore critical, relevant, and necessary to the trial and resolution of this matter.

**8. STATEMENT OF THE SUBJECT MATTER ABOUT WHICH MR. ASSANGE WILL BE EXAMINED**

The Plaintiff seeks testimony from Mr. Assange on a narrow set of topics:

- 1) The alleged provision of stolen DNC documents to Mr. Assange and/or WikiLeaks by Mr. Rich (and/or his brother).
- 2) The alleged payment by Mr. Assange and/or WikiLeaks to Mr. Rich in exchange for the provision of DNC documents.
- 3) Alleged conversations and interviews in which Mr. Assange participated relating to Topics 1 and 2.

The Plaintiff seeks testimony in response to the following specific questions:

- 1) Does Mr. Assange claim that he and/or WikiLeaks received the DNC documents from Mr. Rich (and/or his brother), and if so, which documents did he and/or WikiLeaks receive, when, and by what means?
- 2) Does Mr. Assange claim that he and/or WikiLeaks paid Mr. Rich or his brother in exchange for the provision of the DNC documents, and if so, how much did he and/or WikiLeaks pay, to whom, when, and by what means?
- 3) Did WikiLeaks cause money to be deposited into Mr. Rich's bank account?
- 4) Did WikiLeaks cause money to be paid to Mr. Rich through ebay?
- 5) Did Mr. Assange have the conversation with Ms. Cassandra Fairbanks referred to in the below statement made by Defendant Couch, and if so, when and where did that conversation take place?

*"The communications with Cassandra Fairbanks was [sic] in person and in the form of a conversation during dinner at a meeting in March of 2018. At which time Ms. Fairbanks informed our team that **she had met with Julian Assange at the Ecuadorian embassy in the UK.** Ms. Fairbanks informed us that **Mr. Assange told her that he paid Seth Rich and Aaron Rich for information. Mr. Assange's exact words according to Ms. Fairbanks, yes, I paid the boys'.** Ms. Fairbanks also informed us at the time that **Mr. Assange pulled her aside into a private stairwell where recording devices were not present and stated 'if I were to buy something on eBay, could I have it shipped here to the embassy. To which Ms. Fairbanks replied, 'sure you could'.** Mr. Assange reiterated his point and stated, 'I'm not saying that's how it happened - but I could do that - right?'"*



Governski Decl. Ex. 30 (inconsistent quotation marks present in original).

- 6) Did Mr. Assange have the conversation with a close friend referred to in the following statement made by Defendant Butowsky, and if so, when and where?

*“On or about November 14, 2018, I was allowed to listen to a **phone conversation between Julian Assange and a third party**. During that conversation, **Mr. Assange discussed how Seth Rich and Aaron Rich had transferred emails to Wikileaks and received payment in return.**”*

Governski Decl. Ex. 31 ¶ 5.

- 7) Did Mr. Assange have the conversation with Ms. Ellen Ratner referred to in the following statement made by Defendant Butowsky, and if so, when and where?

*“In December of 2016 I was contacted by a friend, Ellen Ratner, who said she had recently met with **Julian Assange in London, England**. . . . According to Ms. Ratner, Mr. Assange wanted to relay information to Joel and Mary Rich regarding the murder of their son **Seth**. In particular, she said **Mr. Assange** wanted to let the Riches know that **Seth had leaked emails from the Democratic National Committee (‘DNC’) to Wikileaks**, and that might have been a motive for his murder.”*

Governski Decl. Ex. 31 ¶ 1.

## **9. REQUIREMENT THAT THE TESTIMONY BE GIVEN UNDER OATH**

It would further the interests of justice if, by the proper and usual process of your Court, you summon Mr. Assange to appear, before a person empowered under UK law to administer oaths and take testimony, to give testimony under oath or affirmation on the topics listed in Section 8 by questions and answers upon oral examination at a time and place to be determined by the High Court.

## **10. SPECIAL PROCEDURES OR METHOD TO BE FOLLOWED**

This Court respectfully requests that with respect to the examination sought, that such orders be entered as English law permits to direct that the examination takes place. The

examination shall be conducted pursuant to the discovery rules as provided for in the Federal Rules of Civil Procedure of the United States, except to the extent such procedure is incompatible with the laws of England. This Court further requests: (1) that the examination be taken orally; (2) that the examination be taken before a commercial stenographer and videographer selected by Mr. Rich; (3) that the videographer be permitted to record the examination by audiovisual means; (4) that the stenographer be allowed to record a verbatim transcript of the examination; (5) that the examination be conducted in English; (6) that the witness be examined for no more than seven hours; and (8) that the witness be examined as soon as possible.

In the event that the evidence cannot be taken according to some or all of the procedures described above, this Court requests that it be taken in such manner as provided by the laws of England for the formal taking of testimonial evidence.

To the extent that any portion of this Letter of Request cannot be granted, it is respectfully requested that the remaining parts be granted.

#### **11. REQUEST FOR NOTIFICATION**

We respectfully request that any order made by the Court will require the examining party to send notice of the time and place for the taking of testimony, and to provide copies of the transcript and video recording of such deposition to Plaintiff's representatives as identified in Section 4 above and to:

HONORABLE SENIOR JUDGE RICHARD J. LEON  
United States District Court Judge  
United States District Court for the District of Columbia  
E. Barrett Prettyman United States Courthouse  
333 Constitution Avenue, NW  
Washington, DC 20001  
United States of America

**12. REQUEST FOR ATTENDANCE OR PARTICIPATION OF JUDICIAL PERSONNEL OF THE REQUESTING AUTHORITY AT THE EXECUTION OF THE LETTER OF REQUEST**

None.

**13. SPECIFICATION OF PRIVILEGE OR DUTY TO REFUSE TO GIVE EVIDENCE UNDER THE LAW OF THE STATE OF ORIGIN**

Under the laws of the United States, a witness has a privilege to refuse to give evidence if to do so would disclose a confidential communication between the witness and his or her attorney that was communicated specifically for the purpose of obtaining legal advice and which privilege has not been waived. United States law also recognizes a privilege against criminal self-incrimination. Other limited privileges on grounds not applicable here also exist, such as communications between doctors and patients, husband and wife, and clergy and penitent. Certain limited immunities are also recognized outside the strict definition of privilege, such as the limited protection of work product created by attorneys during or in anticipation of litigation.

**14. STATEMENT OF RECIPROCITY**

The United States District Court for the District of Columbia is willing to provide similar assistance to the judicial authorities of the UK courts.

**15. REIMBURSEMENT**

Mr. Rich will reimburse the judicial authorities for costs incurred in issuing and executing this request. Fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Hague Convention will be borne by the Plaintiff. The Plaintiff's payment of any such fees and costs is without prejudice to their making a subsequent request to be reimbursed for these costs by other parties to the action.

---

Date

---

RICHARD J. LEON  
United States District Judge  
United States District Court for the  
District of Columbia

---

Seal of the United States District  
Court for the District of Columbia

# EXHIBIT 2

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AARON RICH

Plaintiff,

v.

EDWARD BUTOWSKY,  
MATTHEW COUCH, and  
AMERICA FIRST MEDIA,

Defendants.

Civil Action No. 1:18-cv-00681-RJL

Hon. Richard J. Leon

**NOTICE OF FILING OF A DVD**

Pursuant to Local Rule 5.4(e), Plaintiff hereby gives notice of filing Governski Decl. Ex. 2, a Niuwsuur Video titled “Julian Assange on Seth Rich,” available at <https://www.youtube.com/watch?v=Kp7FkLBRpKg>. Due to the nature of the exhibit, it cannot be filed electronically through the Court’s ECF System. Pursuant to Local Rule 5.4(e), Plaintiff will maintain a copy of the video on a DVD and make it available for a party or the Court upon request.

Dated: November 8, 2019

/s/ Michael J. Gottlieb  
MICHAEL J. GOTTLIEB (D.C. Bar No.  
974960)  
WILLKIE FARR GALLAGHER LLP  
1875 K Street NW, Washington, DC 20006  
Tel: (202) 303-1442 / Fax: (202) 303-2000  
mgottlieb@willkie.com

*Counsel for Plaintiff*

# EXHIBIT 3

**WikiLeaks**

@wikileaks

[Follow](#)

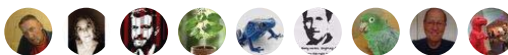
Our original and only statement on the murder of US Democratic National Committee staffer Seth Rich. [#DNCLeak](#)

As a matter of policy we do not confirm or deny whether any person has ever been a source for WikiLeaks. After the Aaron Swartz case we formalised this policy to also cover alleged sources who were deceased.

We treat threats toward any suspected source of WikiLeaks with extreme gravity. This should not be taken to imply that Seth Rich was a source to WikiLeaks or to imply that that his murder is connected to our publications. We hope our efforts will contribute to the family's calls for information and to the separate reward issued by police. We have a history of obtaining information that has significantly contributed to many legal proceedings, including successful prosecutions.

7:41 PM - 10 Aug 2016

6,311 Retweets 6,631 Likes



304



6.3K

6.6K

**Fan of Phony Emoluments Clause** @veracruzian · 11 Aug 2016Replying to [@wikileaks](#)

[@FrancisJeffrey7](#) V The Hill "Slain DNC staffer's family: Conspiracy theorists "doing more harm than good"



# EXHIBIT 4



Home



Moments

Search Twitter



Have an account? Log in X

**WikiLeaks** ✓

@wikileaks

Follow



Most comprehensive report of the developments in DNC staffer Seth Rich's murder investigation today:



**'No facts, no evidence' supporting claim slain DNC staffer tied to WikiLeaks, f...**

New developments in the investigation of the 2016 murder of Democratic National Committee staffer Seth Rich appear to be raising more questions than they answer ...

[okcfox.com](http://okcfox.com)

3:15 PM - 16 May 2017

2,807 Retweets 2,667 Likes



245



2.8K



2.7K

**Bob** @B\_W3T · 16 May 2017

Replying to @wikileaks

your tweet from 4/8 re Guccifer DMs naming "Seth" as his whistle-blower is noteworthy, no?

**WikiLeaks** ✓ @wikileaks

Direct Messages from U.S. alleged Russian spy @GUCCIFER\_2 to actress-

# EXHIBIT 5



Home



Moments

Search Twitter



Have an account? Log in X

**WikiLeaks** ✓

@wikileaks

Follow



Tape recording of private investigator Rod Wheeler discussing Seth Rich investigation  
[youtube.com/watch?v=2p8at6...](https://www.youtube.com/watch?v=2p8at6...) h/t  
[@CassandraRules](#)

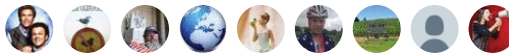


More Audio Bits

[youtube.com](https://www.youtube.com)

2:18 PM - 1 Aug 2017

4,829 Retweets 5,349 Likes



206



4.8K



5.3K

This Tweet is unavailable.

**Ray** @RealRayMercedes · 1 Aug 2017

wikileaks never reveals its sources. Definitely adds to the allure.



7



4



31

[2 more replies](#)**Dr. Roy Schestowitz (罗伊)** @schestowitz · 1 Aug 2017Replying to [@wikileaks](#) [@CassandraRules](#)

Why can't they figure something out over a year later, despite all that surveillance they deem so "necessary"?



1



2



21

**Dr. Roy Schestowitz (罗伊)** @schestowitz · 1 Aug 2017According to [@CraigMurrayOrg](#) they never met and thus (if all are honest) he's not the source

# EXHIBIT 6



Home



Moments

Search Twitter



Have an account? Log in X

**WikiLeaks** ✓

@wikileaks

Follow



Audio tape of Seymour Hersh discussing  
WikiLeaks DNC leaks and Seth Rich  
[youtube.com/watch?v=giuZdB...](https://www.youtube.com/watch?v=giuZdB...) h/t  
[@CassandraRules](#)

**Audio 2**

youtube.com

3:22 PM - 1 Aug 2017

**6,932** Retweets **7,458** Likes

440



6.9K



7.5K

**Dr. Roy Schestowitz (罗伊)** @schestowitz · 1 Aug 2017Replying to [@wikileaks](#) [@CassandraRules](#)

SEYMOUR HERSH BLASTS MEDIA FOR UNCRITICALLY PROMOTING RUSSIAN  
HACKING STORY

**Seymour Hersh Blasts Media for Uncritically Promoting Russian Hac...**

Though critical of the Russia coverage, Hersh condemned Trump's attacks

# EXHIBIT 7

# Report On The Investigation Into Russian Interference In The 2016 Presidential Election

Volume I of II

Special Counsel Robert S. Mueller, III

*Submitted Pursuant to 28 C.F.R. § 600.8(c)*

Washington, D.C.

March 2019





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On October 7, 2016, WikiLeaks released the first emails stolen from the Podesta email account. In total, WikiLeaks released 33 tranches of stolen emails between October 7, 2016 and November 7, 2016. The releases included private speeches given by Clinton;<sup>177</sup> internal communications between Podesta and other high-ranking members of the Clinton Campaign;<sup>178</sup> and correspondence related to the Clinton Foundation.<sup>179</sup> In total, WikiLeaks released over 50,000 documents stolen from Podesta's personal email account. The last-in-time email released from Podesta's account was dated March 21, 2016, two days after Podesta received a spearphishing email sent by the GRU.

### *d. WikiLeaks Statements Dissembling About the Source of Stolen Materials*

As reports attributing the DNC and DCCC hacks to the Russian government emerged, WikiLeaks and Assange made several public statements apparently designed to obscure the source of the materials that WikiLeaks was releasing. The file-transfer evidence described above and other information uncovered during the investigation discredited WikiLeaks's claims about the source of material that it posted.

Beginning in the summer of 2016, Assange and WikiLeaks made a number of statements about Seth Rich, a former DNC staff member who was killed in July 2016. The statements about Rich implied falsely that he had been the source of the stolen DNC emails. On August 9, 2016, the @WikiLeaks Twitter account posted: "ANNOUNCE: WikiLeaks has decided to issue a US\$20k reward for information leading to conviction for the murder of DNC staffer Seth Rich."<sup>180</sup> Likewise, on August 25, 2016, Assange was asked in an interview, "Why are you so interested in Seth Rich's killer?" and responded, "We're very interested in anything that might be a threat to alleged Wikileaks sources." The interviewer responded to Assange's statement by commenting, "I know you don't want to reveal your source, but it certainly sounds like you're suggesting a man who leaked information to WikiLeaks was then murdered." Assange replied, "If there's someone who's potentially connected to our publication, and that person has been murdered in suspicious

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<sup>179</sup> *Netyksho* Indictment ¶ 43.

<sup>180</sup> @WikiLeaks 8/9/16 Tweet.

circumstances, it doesn't necessarily mean that the two are connected. But it is a very serious matter...that type of allegation is very serious, as it's taken very seriously by us."<sup>181</sup>

After the U.S. intelligence community publicly announced its assessment that Russia was behind the hacking operation, Assange continued to deny that the Clinton materials released by WikiLeaks had come from Russian hacking. According to media reports, Assange told a U.S. congressman that the DNC hack was an "inside job," and purported to have "physical proof" that Russians did not give materials to Assange.<sup>182</sup>

### C. Additional GRU Cyber Operations

While releasing the stolen emails and documents through DCLeaks, Guccifer 2.0, and WikiLeaks, GRU officers continued to target and hack victims linked to the Democratic campaign and, eventually, to target entities responsible for election administration in several states.

#### 1. Summer and Fall 2016 Operations Targeting Democrat-Linked Victims

On July 27, 2016, Unit 26165 targeted email accounts connected to candidate Clinton's personal office **PP**. Earlier that day, candidate Trump made public statements that included the following: "Russia, if you're listening, I hope you're able to find the 30,000 emails that are missing. I think you will probably be rewarded mightily by our press."<sup>183</sup> The "30,000 emails" were apparently a reference to emails described in media accounts as having been stored on a personal server that candidate Clinton had used while serving as Secretary of State.

Within approximately five hours of Trump's statement, GRU officers targeted for the first time Clinton's personal office. After candidate Trump's remarks, Unit 26165 created and sent malicious links targeting 15 email accounts at the domain **PP** including an email account belonging to Clinton aide **PP**. The investigation did not find evidence of earlier GRU attempts to compromise accounts hosted on this domain. It is unclear how the GRU was able to identify these email accounts, which were not public.<sup>184</sup>

Unit 26165 officers also hacked into a DNC account hosted on a cloud-computing service **Personal Privacy**. On September 20, 2016, the GRU began to generate copies of the DNC data using **PP** function designed to allow users to produce backups of databases (referred to **PP** as "snapshots"). The GRU then stole those snapshots by moving

---

<sup>181</sup> See Assange: "Murdered DNC Staffer Was 'Potential' WikiLeaks Source," Fox News (Aug. 25, 2016)(containing video of Assange interview by Megyn Kelly).

<sup>182</sup> M. Raju & Z. Cohen, *A GOP Congressman's Lonely Quest Defending Julian Assange*, CNN (May 23, 2018).

<sup>183</sup> "Donald Trump on Russian & Missing Hillary Clinton Emails," YouTube Channel C-SPAN, Posted 7/27/16, available at <https://www.youtube.com/watch?v=3kxG8uJUWU> (starting at 0:41).

<sup>184</sup> **Investigative Technique**



# EXHIBIT 8



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## WikiLeaks:Contact

### Submission inquiries

Please see [Document Submissions](#) for general advice.

#### Electronic

If you want to electronically submit a document, please refer to the online [document submission system](#). Using this link, you will be provided with more information on how to safely and anonymously submit documents for publication, that you can consider depending on your situation.

#### Onion routing

See our [Tor Instructions](#) for connecting to WikiLeaks through an additional anonymization layer.

#### Postal mail

##### Post

To: Pick any name likely to evade postal censorship in your country.  
 BOX 4080  
 University of Melbourne  
 Victoria 3052  
 Australia

### General inquiries

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    - 3.2.7 [United States](#)

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*Get notified about our press releases:*

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#### Legal inquiries

For any legal requests, please see: [WikiLeaks legal pages](#).

If you want to join our global press freedoms defense team as a lawyer, please contact [wl-lawyers@sunshinepress.org](mailto:wl-lawyers@sunshinepress.org).

### Specialized inquiries

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Category: [Vital pages](#)

# EXHIBIT 9

# The Sydney Morning Herald

WORLD NORTH AMERICA JULIAN ASSANGE

## Democrats serve Australia-based WikiLeaks with lawsuit via Twitter

By [Anthony Colangelo](#)

August 11, 2018 – 10.09am



A law firm representing the United States Democratic National Committee has served legal papers to WikiLeaks for their role in the Russia-led interference of the US campaign during the 2016 election.

In a twist, the legal papers have been delivered via a tweet to the WikiLeaks account, with that organisation's physical address listed as the University of Melbourne.



Wikileaks have been served a lawsuit to a Melbourne University PO Box address. THE AGE/PAUL JEFFERS

WikiLeaks is a tier one registered incorporated association in Victoria, meaning it is officially a not-for profit with revenue of less than \$250,000 per year. It used to be registered to an address in Grattan Street, Carlton, but is now registered to a post office box at the University of Melbourne.

The DNC has made numerous attempts to file the suit against WikiLeaks via email but those have failed, meaning DNC lawyers Cohen Milstein took to Twitter to serve Julian Assange's organisation with the legal papers instead.

The DNC first filed the lawsuit against Russia and WikiLeaks in April, but in late July they filed a motion in a New York court to get permission to serve the documents via Twitter. The court papers were filed in the NY Southern District.



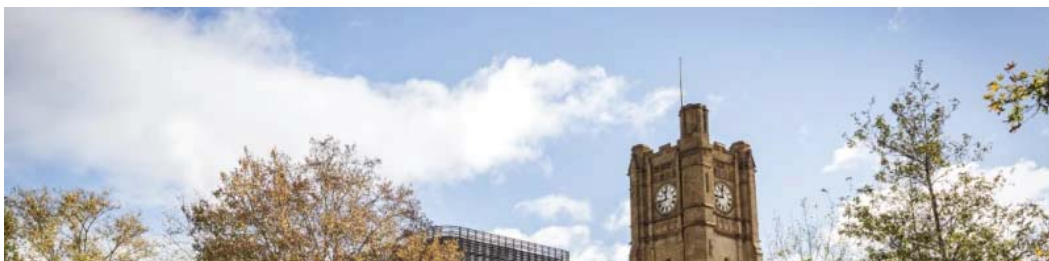
WikiLeaks founder Julian Assange speaks from the balcony of the Ecuadorean Embassy in London. AP

"Plaintiff has diligently attempted to serve WikiLeaks through a variety of methods, including emails to an address provided by WikiLeaks on its website, and by contacting counsel who have represented WikiLeaks in other matters," the [motion documents](#) read. "None of these efforts have succeeded."

"While WikiLeaks' physical presence is difficult to discern, it has a robust online presence, including an active presence on Twitter."

The documents said it was unclear if or how Wikileaks uses and conducts business via the University of Melbourne post office box. Wikileaks also has post offices boxes registered in California.

Wikileaks has been accused by the DNC of leaking Hillary Clinton's emails in the months leading up to the 2016 US election, while it also released emails belonging to Ms Clinton's campaign chairman John Podesta.





The suit gives Melbourne University as Wikileaks's address CHRIS HOPKINS

In the court documents, the DNC accuses Russia and WikiLeaks of "brazen attack on American democracy" in the lead up to the 2016 election via the email hacking.

"Russia then used this stolen information to advance its own interests: destabilising the US political environment, denigrating the Democratic presidential nominee, and supporting the campaign of Donald J. Trump."

A 2017 US Director of National Intelligence report explained how Russia and WikiLeaks worked in tandem during in the months before the 2016 US presidential election.

"We assess with high confidence that the GRU [Russia's Main Intelligence Directorate] relayed material it acquired from the DNC and senior Democratic officials to WikiLeaks," the January 2017 intelligence report said. "Moscow most likely chose WikiLeaks because of its self-proclaimed reputation for authenticity. Disclosures through WikiLeaks did not contain any evident forgeries."

Earlier this week the [US Senate Intelligence Committee asked Assange to give evidence about Russia's influence in the 2016 election.](#)

The WikiLeaks legal team has said they were "considering the offer but the conditions must conform to a high ethical standard".

Assange has been living in the Ecuadorean embassy in London since he was granted asylum there in 2012 to avoid extradition to Sweden for questioning in a sexual molestation case.

While the case has been settled, if Assange leaves the embassy he faces arrest for skipping bail, and also potential extradition to the US.

Assange reportedly faces charges under the US Espionage Act for publishing documents given to WikiLeaks by Chelsea Manning, then a US army soldier based in Iraq.

**with Nick Miller**

---

**Anthony Colangelo**



Anthony is a reporter at The Age.

---



# EXHIBIT 10



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## WikiLeaks:Legal

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## Send all USA legal correspondence to our lawyers

Email:

[wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org)

you will then be provided with a postal address and contact details.

We do not accept electronic servicing of legal documents.

## Digital Millennium Copyright Act

This policy is intended to implement the procedures set forth in 17 U.S.C. Section 512 and the Digital Millennium Copyright Act ("DMCA") for the reporting of alleged copyright infringement.

### Designated Agent

To contact Wikileaks (USA)'s Designated Agent to receive notification of alleged infringement under the DMCA, please email this address listed below. You will then be provided with contact details for the Wikileaks Agent:

[wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org)

We do not accept electronic servicing of legal documents; email for our service address.

## Complaint Notice Procedures for Copyright Owners

The following elements must be included in your copyright infringement notice:

1. A written signature of the copyright owner or a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.
2. An accurate identification of the copyrighted work claimed to have been infringed.
3. Proof of Wikileaks (USA)'s ongoing facilitation of the distribution of the alleged infringing work. Be sure not to confuse independent Wikileaks organizations in other jurisdictions with Wikileaks (USA).
4. A description of the DMCA provision applying.
5. Information reasonably sufficient to permit Wikileaks (USA) to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.
6. A statement from the complaining party that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law (including first amendment protections).
7. A statement, under a penalty of perjury, that the information in the notice is accurate, including that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Failure to include all of the above information may result in a delay of the processing of the DMCA notification.

Wikileaks (USA) may not be able to remove infringing works without the co-operation of its sister organizations in other jurisdictions. However Wikileaks (USA) will pass on in good faith any request that meets the notification requirements as set out above.

# EXHIBIT 11

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NATIONAL SECURITY

# 12 Years Of Disruption: A WikiLeaks Timeline

April 11, 2019 · 2:11 PM ET



DAVID WELNA



WikiLeaks founder Julian Assange appears at the window of the balcony prior to making an address to the media at the Embassy of Ecuador in London on May 19, 2017.

Justin Tallis/AFP/Getty Images

WikiLeaks was already established as an online outlet for posting secret documents from anonymous leakers well before its massive disclosure of U.S. government and military information in 2010. That was the year WikiLeaks' Australian founder, Julian

Assange, faced allegations that led to his seeking asylum in Ecuador's London embassy.



#### NATIONAL SECURITY

Julian Assange Arrested, Faces U.S. Charges Related To 2010 WikiLeaks Releases

Here is a timeline of WikiLeaks' key disclosures and related developments.

## 2007

**November:** WikiLeaks posts a U.S. Army manual of standard operating procedures for soldiers overseeing al-Qaida suspects held captive at Camp Delta in Guantanamo Bay, Cuba.

## 2008

**September:** Two months before the U.S. presidential election, WikiLeaks posts leaked emails from the Yahoo account of Republican vice presidential contender Sarah Palin.

## 2009

**November:** WikiLeaks posts more than half-a-million pager messages it claims were sent on Sept. 11, 2001.

## 2010

**April:** WikiLeaks posts a classified U.S. military video of a U.S. Apache helicopter gunship firing on what the military says were believed to be armed fighters in New Baghdad, Iraq. Among the 18 killed were two Reuters journalists.

**May:** Pfc. Bradley (later known as Chelsea) Manning is arrested by the U.S. military and then court-martialed in June, charged with leaking the combat video posted on WikiLeaks as well as classified State Department documents by downloading those documents to a personal computer.

**July:** WikiLeaks posts what it calls "The Afghan War Logs," more than 75,000 classified documents that record previously undisclosed civilian casualties inflicted by the U.S. and coalition forces, details of the pursuit of Osama bin Laden and accounts of stepped-up fighting by the Taliban.

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Article continues below

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**August:** WikiLeaks founder Julian Assange faces an arrest warrant over allegations of rape and molestation during a visit to Sweden; police question him in Stockholm, where he denies the allegations.

**October:** WikiLeaks posts nearly 400,000 classified military documents it calls "The Iraq War Logs"; they detail the involvement of Iraqi security forces in the torture of prisoners of war, document higher civilian death tolls and describe Iran's support for Iraqi insurgents.

**November:** WikiLeaks posts the first 250,000 of more than 3 million leaked U.S. diplomatic cables from nearly 300 American consulates and embassies worldwide that span the years from 1966 to 2010.

**December:** Assange is arrested in London to face extradition for the Swedish allegations; he is released and put under house arrest after posting bail.

## 2011

**February:** WikiLeaks posts seven cables from the U.S. Embassy in Cairo, amid violent clashes between Egyptian security forces and pro-democracy demonstrators; the documents discuss Egypt's human rights and civil liberties violations.

**April:** WikiLeaks posts "The Guantanamo Files," some 800 classified military documents detailing the official allegations of terrorist actions by the men held captive in Guantanamo Bay, Cuba.

**October:** After being removed from Amazon's servers and being allegedly cut off from major credit card companies as well as PayPal and Western Union, WikiLeaks suspends publication of leaked documents to "aggressively fundraise."

## 2012

**February:** WikiLeaks starts posting a trove of what it claims are 5 million leaked emails from Stratfor, a private company that describes itself as a "global intelligence company."

**June:** Assange takes refuge in Ecuador's London embassy, where he seeks political asylum.

**July:** WikiLeaks begins posting more than 2 million leaked emails, dating back to 2006, from 680 Syrian government officials and firms.

**August:** Assange is granted political asylum at Ecuador's London embassy; a military judge condemns Manning to a 35-year prison sentence; Manning announces gender transition and asks to be known as Chelsea.

## 2013

**Throughout the year:** WikiLeaks posts leaked documents detailing the private negotiations for major trade deals, including the Trans-Pacific Partnership and the Transatlantic Trade and Investment Partnership.

## 2015

**June:** WikiLeaks posts leaked documents from the Saudi foreign ministry.

**July:** WikiLeaks begins posting leaked National Security Agency documents revealing American surveillance of German Chancellor Angela Merkel, French President François Hollande, U.N. Secretary-General Ban Ki-moon, as well as two prime ministers, Israel's Benjamin Netanyahu and Italy's Silvio Berlusconi.

## 2016

**July:** WikiLeaks posts nearly 20,000 emails and 8,000 attachments from leaders of the Democratic National Committee; Assange later denies allegations that Russian intelligence services were the source of the leak.

**October:** WikiLeaks posts more than 2,000 hacked emails from the account of John Podesta, who at the time was campaign chairman for Democratic presidential nominee Hillary Clinton.

## 2017

**January:** Outgoing President Barack Obama commutes Manning's prison sentence, allowing her to be freed in May.

**March:** WikiLeaks starts posting what it calls "Vault 7," which it claims to be a collection of thousands of internal Central Intelligence Agency documents that detail a covert hacking program carried out by the agency as well as malware and software it uses to spy on smart TVs, the operating systems of most smartphones and Web browsers.

**September:** WikiLeaks starts posting the first of what it says are 650,000 leaked critical documents from surveillance contractors working in a Russia ruled by President Vladimir Putin.

**October:** CIA Director Mike Pompeo says the U.S. is "working to take down" WikiLeaks, which he calls "an enormous threat."

**December:** Assange is granted Ecuadorian citizenship.



## 2018

**April:** The Democratic National Committee files a lawsuit against WikiLeaks for its role in publishing the DNC's hacked emails.

**May:** Manning's conviction under the Espionage Act is upheld by a U.S. Army Court of Criminal Appeals.

**November:** A document written by a U.S. attorney inadvertently discloses that Assange has been charged under seal by the U.S.

## 2019

**March:** Manning is jailed after refusing to testify to a grand jury about what she leaked to WikiLeaks.

**April:** Ecuadorian President Lenín Moreno accuses WikiLeaks of intercepting his private phone calls and hacking photos of his bedroom, his meals and his wife and daughters dancing; Moreno provided no evidence, and WikiLeaks calls the charges "bogus."

Assange is arrested at Ecuador's London embassy by British police, accused of skipping bail.

The U.S. Justice Department unseals an indictment of Assange dated March 6, 2018, that charges him with "conspiracy to commit computer intrusion."

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# EXHIBIT 12



AD

## Roth IRA?

### Julian Assange: Wikileaks co-founder jailed over bail breach

🕒 1 May 2019



**Wikileaks co-founder Julian Assange has been sentenced to 50 weeks in jail for breaching his bail conditions.**

The 47-year-old was found guilty of breaching the Bail Act last month after his arrest at the Ecuadorian Embassy.

He took refuge in the London embassy in 2012 to avoid extradition to Sweden over sexual assault allegations, which he has denied.

In a letter read to the court, Assange said he had found himself "struggling with difficult circumstances".

He apologised to those who "consider I've disrespected them", a packed Southwark Crown Court heard.

"I did what I thought at the time was the best or perhaps the only thing that I could have done," he said.

In mitigation, Mark Summers QC said his client was "gripped" by fears of rendition to the US over the years because of his work with whistle-blowing website Wikileaks.

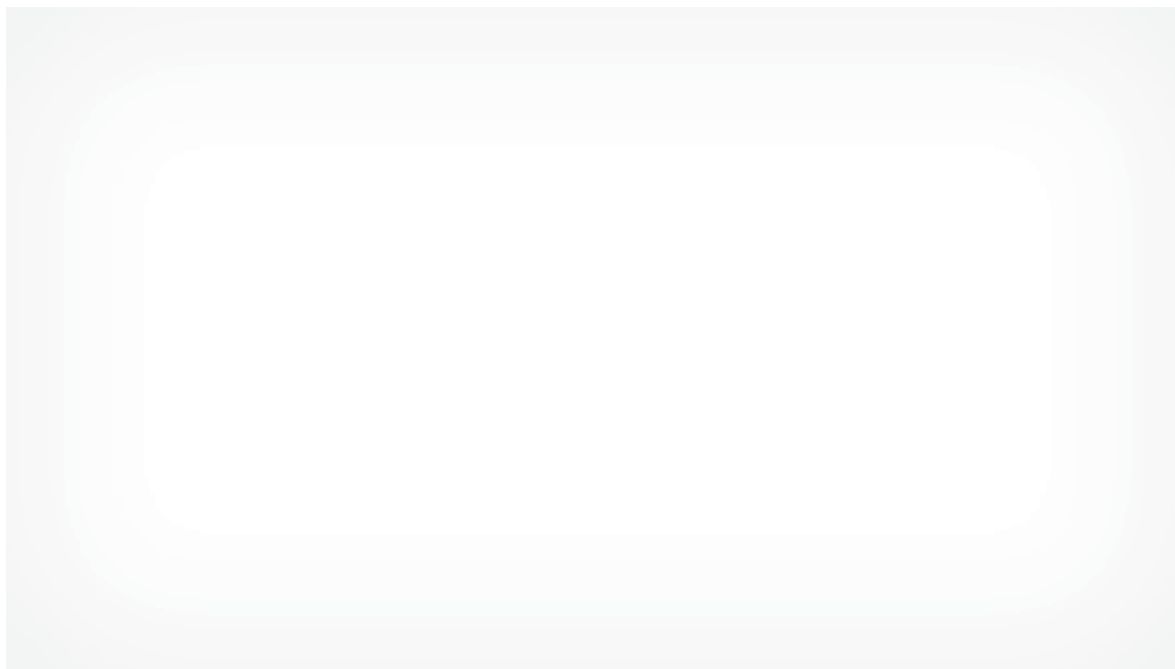
"As threats rained down on him from America, they overshadowed everything," he said.

- **Profile: Julian Assange**
- **Timeline: Julian Assange saga**
- **How likely is an Assange conviction in US?**

Sentencing him, Judge Deborah Taylor told Assange it was difficult to envisage a more serious example of the offence.

"By hiding in the embassy you deliberately put yourself out of reach, while remaining in the UK," she said.

#### ADVERTISEMENT



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She said this had "undoubtedly" affected the progress of the Swedish proceedings.

His continued residence at the embassy and bringing him to justice had cost taxpayers £16m, she added.

"Whilst you may have had fears as to what may happen to you, nonetheless you had a choice, and the course of action you chose was to commit this offence," she concluded.

As Assange was taken down to the cells, he raised a fist in defiance to his supporters in the public gallery behind him.

They raised their fists in solidarity and directed shouts of "shame on you" towards the court.

Speaking outside court, Wikileaks editor-in-chief Kristinn Hrafnsson said the sentence was an "outrage".

The extradition process was now the "big fight" and would be "a question of life and death" for Assange, he said.

"It's also a question of life and death for a major journalist principle," he told reporters.

---

## Assange's letter of apology in full

I apologise unreservedly to those who consider that I have disrespected them by the way I have pursued my case.

This is not what I wanted or intended.

I found myself struggling with terrifying circumstances for which neither I nor those from whom I sought advice could work out any remedy.

I did what I thought at the time was the best and perhaps the only thing that could be done - which I hoped might lead to a legal resolution being reached between Ecuador and Sweden that would protect me from the worst of my fears.

I regret the course that this took; the difficulties were instead compounded and impacted upon very many others.

Whilst the difficulties I now face may have become even greater, nevertheless it is right for me to say this now.

---

Assange now faces US federal conspiracy charges related to one of the largest leaks of government secrets.

The UK will decide whether to extradite Assange to the US in response to allegations that he conspired with former US intelligence analyst Chelsea Manning to download classified databases.

He faces up to five years in a US prison if convicted.

Wikileaks has published thousands of classified documents covering everything from the film industry to national security and war.

---

## At the scene

### **By BBC correspondent Andy Moore, at Southwark Crown Court**

As Julian Assange arrived at court from Belmarsh High Security prison, photographers got a picture of him defiantly pumping his fist.

He's still got a beard but it's been trimmed - it's not the white, bushy beard he was wearing when he was hauled out of the Ecuadorean Embassy last month.

There's big international interest, and more than a dozen TV cameras outside.

Journalists had to queue for two hours before the case opened to get a ticket to Court Number One, or to an overflow court where there was a videolink to the live proceedings.

Supporters of Assange are outside court making their voices heard - one has been reading from her notes saying Assange is a political prisoner.

---

Australian-born Assange was dramatically arrested by UK police on 11 April after Ecuador abruptly withdrew its asylum.

At a court hearing that same day, he was remanded in custody and called a "narcissist who cannot get beyond his own selfish interest" by district judge Michael Snow.

Days later, Swedish prosecutors said they were considering reopening the investigation into rape and sexual assault allegations against him.

At the time, Assange said he had had entirely consensual sex with two women while on a trip to Stockholm to give a lecture.

Prosecutors dropped the rape investigation in 2017 because they were unable to formally notify him of allegations while he was staying in the embassy.

Two other charges of molestation and unlawful coercion had to be dropped in 2015 because time had run out.

Julian Assange: Wikileaks co-founder jailed in Ecuador - BBC News  
More than 70 UK MPs and peers have signed a letter urging Home Secretary Sajid Javid to ensure Assange faces authorities in Sweden if they want his extradition.

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# EXHIBIT 13

**From:** [Meryl Governski](#)  
**To:** [Katerina.v.ossenova@usdoj.gov](mailto:Katerina.v.ossenova@usdoj.gov)  
**Cc:** [Joshua Riley](#)  
**Subject:** IACAP Inquiry  
**Attachments:** [2018-07-17 M. Governski Ltr to DOJ re Rich.pdf](#)

---

Ms. Ossenova,

Please see the attached correspondence.

Respectfully,  
Meryl Governski

**Meryl Conant Governski**

Associate

---

**BOIES SCHILLER FLEXNER LLP**

1401 New York Avenue, N.W.

Washington, DC 20005

(t) 202 895 7565

(m) 301 502 5638

(f) 202 237 6131

[mgovernski@bsfllp.com](mailto:mgovernski@bsfllp.com)

[www.bsfllp.com](http://www.bsfllp.com)



July 17, 2018

**VIA EMAIL**

Katerina Ossenova  
US Department of Justice  
Suite 8102  
1100 L St NW  
Washington, DC 20530  
202-353-0194  
[Katerina.V.Ossenova@usdoj.gov](mailto:Katerina.V.Ossenova@usdoj.gov)

**Re: *Rich v. Butowsky Et Al.*, No. 1:18-cv-00681-RJL (U.S. District Court  
for the District of Columbia)**

Dear Ms. Ossenova:

On June 25, 2018, we spoke by telephone about the process by which civil litigants can serve an individual located abroad pursuant to the Inter-American Convention on Letters Rogatory and Additional Protocol ("IACAP"). I am writing to formally request assistance from the Department of Justice Office of International Judicial Assistance ("Office") in serving upon Julian Assange, who is residing in the Ecuadorian Embassy in London, a Rule 45 subpoena in connection with the above-captioned case. Please confirm in writing whether your Office is willing to assist in that regard and, if so, the proper process by which we can effectuate service.

Sincerely,

A handwritten signature in dark ink, appearing to read "Meryl Governski".

Meryl Governski  
Joshua Riley  
Boies Schiller Flexner LLP  
1401 New York Ave NW  
Washington DC, 20005  
202-237-2727  
[mgovernski@bsfllp.com](mailto:mgovernski@bsfllp.com)  
[jriley@bsfllp.com](mailto:jriley@bsfllp.com)

BOIES SCHILLER FLEXNER LLP

# EXHIBIT 14

**From:** [Ossenova, Katerina V. \(CIV\)](#)  
**To:** [Meryl Governski](#)  
**Cc:** [Joshua Riley](#)  
**Subject:** RE: IACAP Inquiry  
**Date:** Thursday, July 19, 2018 2:21:59 PM

---

Ms. Governski,

The Office of International Judicial Assistance (OIJA), within the Department of Justice Civil Division's Office of Foreign Litigation, serves as the United States Central Authority pursuant to the Inter-American Convention on Letters Rogatory and Additional Protocol (Inter-American Convention). As noted on our website, "OIJA plays no role with regard to service requests involving persons or parties located abroad in private litigation matters" and "OIJA does not process, review, or transmit Letters of Request or letters rogatory for the collection of evidence in a foreign state in private U.S. litigation matters."

In addition, the United States is only a party to the Inter-American Convention for the purposes of service of documents, and not for the purposes of obtaining evidence. It is improper to use the Inter-American Convention to "serve" a Rule 45 subpoena. The proper route for obtaining evidence located abroad is pursuant to an international judicial assistance request.

Finally, as explained during our June 25, 2018 phone conversation, OIJA is unable able to transmit any Inter-American Convention request to the United Kingdom as the United Kingdom is not a party to that Convention. Thus, our office is unable to assist you in this matter.

Best regards,

Katerina V. Ossenova  
Trial Attorney, U.S. Department of Justice  
Office of Foreign Litigation  
Office of International Judicial Assistance  
1100 L Street, NW, Room 8102  
Washington, D.C. 20530  
Telephone: +202-353-0194  
[Katerina.V.Ossenova@usdoj.gov](mailto:Katerina.V.Ossenova@usdoj.gov)

---

**From:** Meryl Governski [mailto:MGovernski@BSFLLP.com]  
**Sent:** Tuesday, July 17, 2018 10:50 AM  
**To:** Ossenova, Katerina V. (CIV) <kossenov@CIV.USDOJ.GOV>  
**Cc:** Joshua Riley <JRiley@BSFLLP.com>  
**Subject:** IACAP Inquiry

Ms. Ossenova,

Please see the attached correspondence.

Respectfully,  
Meryl Governski

**Meryl Conant Governski**

Associate

---

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# EXHIBIT 15

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**From:** Gottlieb, Michael <MGottlieb@willkie.com>  
**Sent:** Friday, April 19, 2019 3:15 PM  
**To:** 'bpollack@robbinsrussell.com'  
**Cc:** Hall, Samuel; Joshua Riley  
**Subject:** Correspondence re J. Assange  
**Attachments:** 2019.04.19 Assange Subpoena.pdf; M Gottlieb letter to B Pollack.pdf

Dear Mr. Pollack,

Please see the attached correspondence regarding your client, Mr. Assange.

Respectfully,

Mike Gottlieb

**Michael Gottlieb**  
**Willkie Farr & Gallagher LLP**  
1875 K Street, N.W. | Washington, DC 20006-1238  
Direct: [+1 202 303 1442](tel:+12023031442) | Fax: +1 202 303 2442  
[mgottlieb@willkie.com](mailto:mgottlieb@willkie.com) | [vCard](#) | [www.willkie.com/bio](http://www.willkie.com/bio)

# WILLKIE FARR & GALLAGHER LLP

1875 K Street, N.W.  
Washington, DC 20006-1238

Tel: 202 303 1000  
Fax: 202 303 2000

April 19, 2019

Barry J. Pollack  
2000 K Street, NW, 4<sup>th</sup> Floor  
Washington DC 20006-1809  
Phone: (202)775-4514  
bpollack@robbinsrussell.com

**Re: *Rich v. Butowsky et al*, Civil Action No. 1:18-cv-00681-RJL**

Dear Mr. Pollack:

I understand that you represent Julian Assange, including in connection with the March 2018 indictment charging him with conspiracy to commit computer intrusion. *See, e.g.*, <https://www.npr.org/2019/04/11/712128612/julian-assange-arrested-in-london>; <https://www.law.com/nationallawjournal/2019/04/11/robbins-russell-sits-out-julian-assange-case-as-pollack-gears-up-for-defense/>. (Please advise me promptly if you also represent Mr. Assange's organization, WikiLeaks, in connection with the criminal matter referenced above or any other matter.) I write to request your client's authorization to allow us to serve, via delivery to you, the attached subpoena in connection with the above-captioned litigation, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

We represent Aaron Rich, the brother of the murdered Democratic National Committee (DNC) staffer, Seth Rich. For the past two years, our client has been falsely accused of participating with his brother in the theft of documents from the DNC, the delivery of those documents to WikiLeaks, and the receipt of funds for the foregoing. All of those accusations are false and defamatory. As your client knows, Mr. Rich was not involved in any of the aforementioned (or related) activities and never communicated with your client, WikiLeaks, or that organization's agents or representatives. These accusations have caused Mr. Rich and his family severe emotional and reputational harm, and they have re-victimized a decent and law-abiding citizen who had already suffered through severe trauma following his only sibling's unsolved murder.

While your client may not be responsible for the grotesque accusations that have been made against Aaron Rich—indeed, it is unclear whether your client knows that Seth Rich has a surviving sibling—he is responsible for making obfuscatory public statements regarding Mr. Rich that have encouraged conspiracy theories relating to his death. *See, e.g.*, <https://www.youtube.com/watch?v=Kp7FkLBRpKg>. Those statements stopped short of claiming that Seth Rich was WikiLeak's

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Page 2

source, but they appear to have been designed to imply as much, and thereby to provide ammunition for people to question and/or assume that Seth Rich was involved. Predictably, Mr. Assange's statements have caused those who are susceptible to conspiracy theories to proclaim that Mr. Assange has provided evidence that Seth Rich was the source of the DNC documents that WikiLeaks published.

Mr. Rich knows that he has never communicated with WikiLeaks, and he also knows that he and Seth did not conspire to steal documents from the DNC and provide them to WikiLeaks or anyone else. But despite his denials, his lawsuit, and the lack of any evidence, of any kind, substantiating any wrongdoing on our client's part, Mr. Rich has been unable to quiet the false accusations against him. Mr. Assange is uniquely positioned to clear Mr. Rich's name—he is one of the only individuals apart from our client who can personally attest to the falsity of the implications being drawn from the statements Mr. Assange has made about Seth Rich.

As you know, your client's statements regarding Seth Rich were recently addressed in the Report of Special Counsel Robert Mueller. Report On The Investigation Into Russian Interference In The 2016 Presidential Election ("Report"), Volume I, March 2019 ("The Report"). The Report concluded that your client's "statements about Rich implied *falsely* that he had been the source of the stolen DNC emails," noting that "information uncovered during the investigation discredit WikiLeaks's claims about the source of material it posted." Report, at 48 (emphasis added). Those conclusions were based in part on data obtained by the Special Counsel, including but not limited to Twitter messages sent by WikiLeaks and **forensic images of the DNC servers**. See, e.g., Report, at 40 n.135. That data showed, among other things, that on July 14, 2016, transfers of a large trove of DNC emails were made to WikiLeaks from "Guccifer 2.0," using instructions provided to WikiLeaks via email and Twitter, **the receipt of which WikiLeaks confirmed on July 18, 2016 and published on July 22, 2016**. Report, at 46-47. Seth Rich, of course, was murdered on July 10, 2016, which means that he could not have been involved in that transfer, or any the subsequent exchanges that took place in July, August, and September.

Your client's professed commitment to truth and transparency should motivate his cooperation with our efforts to investigate this matter. If the U.S. Government hinted that it was in possession of unreleased information that would help resolve questions regarding a politically charged issue, we have no doubt that Mr. Assange and WikiLeaks would both call for the release of, and would publish, such information without hesitation. Indeed, WikiLeaks has criticized the redactions in the Special Counsel's Report, stating that "We disapprove of the large redactions, *which permit conspiracy theories to abound*." We agree with that position, which applies with equal force to WikiLeaks. Mr. Assange can and must now do his part by agreeing to accept service of our subpoena and producing documents in this case.

Some have accused Mr. Rich of attempting to suppress information relating to his brother's murder, including by making the offensive accusation that Mr. Rich is trying to stop WikiLeaks from disclosing relevant information. Nothing could be further from the truth. Mr. Rich always has believed that anyone with information regarding his brother's murder should come forward to assist law enforcement's investigation into the matter. Mr. Rich attempted in 2018 to enlist the assistance of the Justice Department to serve Mr. Assange with a subpoena through diplomatic channels, but the Department declined assistance. To avoid any ambiguity on the issue, please understand that the position of Mr. Rich, as the Executor of the Estate of Seth Rich, is that because neither he nor Seth Rich were

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sources of information to WikiLeaks, neither Mr. Assange nor WikiLeaks are entitled to withhold information from production on the basis of a purported “source privilege.” In any event, the subpoena Mr. Rich is requesting to serve here disables any claim that might be advanced regarding purported “source privilege” or “source confidentiality” concerns regarding Seth or Aaron Rich.

Although we believe that Mr. Rich’s subpoena is narrowly tailored, we are of course willing to meet and confer to resolve any objections your client may have, including to discuss whether there are alternative ways he can assist Mr. Rich in clearing his name. We will accept an electronic data production any way you prefer, including via a secure FTP or hard drive (which we would be happy to provide at an address of your choice), but we will insist that your client produce electronic data, if any, in TIFF or native format with relevant metadata, to allow us to validate the authenticity of such materials.

Thank you for your prompt attention to this matter. We look forward to your response.

Respectfully,

/s/ Michael J. Gottlieb  
Willkie Farr & Gallagher LLP  
1875 K Street, NW  
Washington, DC 20006  
Phone: (202) 303-1442  
Fax: (202) 303-2126  
mgottlieb@willkie.com

cc: All parties in *Rich* litigation

Enclosures: Subpoena to J. Assange

## UNITED STATES DISTRICT COURT

for the  
District of Columbia

Aaron Rich

*Plaintiff*

v.

Edward Butowsky et al

*Defendant*

Civil Action No. 1:18-cv-00681-RJL

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To:

Julian Assange c/o Barry J. Pollack, 2000 K Street, NW, 4th Floor, Washington DC 20006-1809

*(Name of person to whom this subpoena is directed)*

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Schedule A

Place: Willkie Farr & Gallagher LLP  
875 K Street, NW  
Washington, D.C. 20006-1238

Date and Time:

05/06/2019 5:00 pm

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: \_\_\_\_\_

CLERK OF COURT

OR

*Signature of Clerk or Deputy Clerk*

/s/ Michael J. Gottlieb

*Attorney's signature*The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Aaron Rich

, who issues or requests this subpoena, are:

Michael J. Gottlieb, Willkie Farr & Gallagher LLP, 1875 K Street, NW Washington, D.C. 20006-1238**Notice to the person who issues or requests this subpoena**

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 1:18-cv-00681-RJL

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_.

☐ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_

\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.:

**Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)****(c) Place of Compliance.**

**(1) For a Trial, Hearing, or Deposition.** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
  - (i) is a party or a party's officer; or
  - (ii) is commanded to attend a trial and would not incur substantial expense.

**(2) For Other Discovery.** A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

**(d) Protecting a Person Subject to a Subpoena; Enforcement.**

**(1) Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

**(2) Command to Produce Materials or Permit Inspection.**

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

**(3) Quashing or Modifying a Subpoena.**

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

**(e) Duties in Responding to a Subpoena.**

**(1) Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

**(2) Claiming Privilege or Protection.**

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

**(g) Contempt.**

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.



## **SCHEDULE A**

This subpoena for documents, including each individual Request for Documents (collectively, the “Requests”), shall be read and interpreted in accordance with the definitions and instructions identified below.

### **GENERAL DEFINITIONS**

Plaintiffs incorporate by reference all the instructions, definitions, and rules contained in the Federal Rules of Civil Procedure and for purposes of this Subpoena, the following definitions shall apply:

1. Unless words or terms have been given a specific definition herein, each word or term used herein shall be given its usual and customary dictionary definition.
2. The terms defined herein should be construed broadly to the fullest extent of their meaning in a good faith effort to comply with the Federal Rules of Civil Procedure.
3. The term “Communication” means any exchange, transfer, or dissemination of information, regardless of the means by which it is accomplished.
4. The term “concerning” means “relating to,” “referring to,” “describing,” “evidencing,” or “constituting.”
5. The terms “Document” and “Documents” are defined to be synonymous in meaning and equal in scope to the usage of the term “Documents” in Fed. R. Civ. P. 34(a)(1)(A).
6. The term “Electronically Stored Information” or “ESI” is defined to be synonymous in meaning and equal in scope to the usage of “electronically stored information” in Fed. R. Civ. 34(a)(1)(A). “ESI” includes data on all servers, including IP addresses, MAC addresses, archived data, deleted data, and legacy data, as well as data on removable electronic media and in any other location where documents relevant to the Requests may be found.

7. The terms “You,” and “Your” mean and include non-party Julian Assange and all of Your agents, representatives, or other persons, organizations, or others acting or purporting to act on Your behalf, or under Your control.

### **SPECIFIC DEFINITIONS**

8. “Aaron Rich” refers to Aaron Nathan Rich, the plaintiff in the above-captioned litigation.

9. “Seth Rich” refers to Seth Conrad Rich, the brother of the plaintiff in the above-captioned litigation.

### **INSTRUCTIONS**

A. Your responses to the following Requests shall be based on all knowledge and information (whether or not hearsay or admissible) in Your possession, custody, or control.

B. Produce all responsive documents in Your possession, custody, or control, regardless of whether such documents are possessed directly by You or persons or entities under Your control.

C. If no responsive documents exist for any particular requests, specifically state that no responsive documents exist.

D. If any otherwise responsive document was, but is no longer, in existence or in Your possession, custody, or control, identify the type of information contained in the document, its current or last known custodian, the location/address of such document, and the identity of all persons having knowledge or who had knowledge of the document, and also describe in full the circumstances surrounding its disposition from Your possession or control.

E. Certify that Your production is complete and correct in accordance with specifications of the attached Certification that Response is Complete and Correct form provided as Exhibit A.

F. All Documents shall be produced in electronic form and shall include related metadata. Produce in TIFF or native format (i.e., Word documents as .DOC or .DOCX files, Outlook emails as .PST files, Excel spreadsheets as .XLS or .XLSX files, Adobe PDF documents as .PDF files). For all forms of ESI, ensure that ESI is provided in unencrypted form and free of password protection.

G. Any alteration of a responsive document, including any marginal notes, handwritten notes, underlining, date stamps, received stamps, endorsed or filed stamps, drafts, revisions, modifications, and other versions of a document, is a responsive document in its own right and must be produced.

H. In the event any Document or Communication is withheld on the basis of the attorney-client privilege, work product doctrine, or any other right to non-disclosure on any other basis, You shall produce a Privilege Log.

### **DOCUMENTS TO BE PRODUCED**

#### **Document Request No. 1**

All Documents and Communications between You and Aaron Rich or Seth Rich.

#### **Document Request No. 2**

All Documents and Communications between You and any other person referencing, in any respect, Aaron Rich.

#### **Document Request No. 3**

All Documents related in any way to your suggestion that Seth Rich may have been a source to WikiLeaks, including as referenced and/or implied in the August 10, 2016 @wikileaks tweet, located at <https://twitter.com/wikileaks/status/763565863861616640>; as well as Your August 9, 2016 interview with Dutch television located at

<https://www.youtube.com/watch?v=Kp7FkLBRpKg>; included in your responsive production should be any Documents or Communications in which you discussed the above Tweet and Television appearance with third parties.

**CERTIFICATION THAT RESPONSE IS CORRECT AND COMPLETE**

I, \_\_\_\_\_, certify as follows:

1. The enclosed production of Documents and Communications were prepared and assembled under my personal supervision;
2. The Documents and Communications contained in this production to the Subpoena are authentic, genuine and what they purport to be;
3. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Subpoena, all persons under whose personal supervision the preparation and assembly of productions and responses to the Subpoena occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be; and
4. Attached is a true and accurate statement of those requests under the Subpoena as to which no responsive Documents were located in the course of the aforementioned search.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address, e-mail and telephone number: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# EXHIBIT 16

**From:** [Gottlieb, Michael](#)  
**To:** [Pollack, Barry](#)  
**Cc:** [Hall, Samuel](#); [Joshua Riley](#)  
**Subject:** Re: Correspondence re J. Assange  
**Date:** Wednesday, August 14, 2019 10:27:58 PM

---

Mr. Pollack -

It has been nearly three months since this email exchange. While those three months have gone by, my client and his family have been defamed by individuals who continue to claim that Mr. Assange has relevant evidence regarding Seth and Aaron Rich that the Rich family is blocking him from releasing. As you know, that is false - as our letter clearly lays out, Mr. Rich has disclaimed any privilege and asked your client to provide whatever information he or WikiLeaks may have.

It is time to end this pointless harassment of the Rich family. Please advise whether you have communicated with your client regarding our message, which as you know contains more than a request to serve a subpoena.

If you are unwilling to help, we ask that you direct us promptly to a legal representative of either Mr. Assange or WikiLeaks with whom we may speak so that we may address this injustice.

Regards,

Mike Gottlieb

**Michael Gottlieb**  
**Willkie Farr & Gallagher LLP**  
1875 K Street, N.W. | Washington, DC 20006-1238  
Direct: [+1 202 303 1442](tel:+12023031442) | Fax: +1 202 303 2442  
[mgottlieb@willkie.com](mailto:mgottlieb@willkie.com) | [vCard](#) | [www.willkie.com/bio](http://www.willkie.com/bio)

On May 21, 2019, at 8:13 AM, Pollack, Barry <[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)> wrote:

Thanks, Mike. As you might suspect, my client has only become less accessible to me since you last made this request, not more so. Further, even if you could effectuate service, it would not seem that he is presently in possession of any documents. I leave it to you to decide whether pursuing this subpoena is really a productive use of your time. But, in any event, I do not have authorization to accept service of your subpoena and do anticipate being able to communicate with my client anytime soon in order to inquire whether he will give me such authorization.

Barry J. Pollack  
Robbins, Russell, Englert, Orseck, Untereiner & Sauber, LLP  
2000 K Street, N.W.  
4th Floor

Washington, DC 20006  
(202) 775-4514 phone  
(202) 775-4510 fax  
[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)

[<image001.jpg>](#)

---

**From:** Gottlieb, Michael <[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)>  
**Sent:** Tuesday, May 21, 2019 7:47 AM  
**To:** Pollack, Barry <[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)>  
**Cc:** Hall, Samuel <[SHall@willkie.com](mailto:SHall@willkie.com)>; Joshua Riley <[jriley@bsflp.com](mailto:jriley@bsflp.com)>  
**Subject:** Re: Correspondence re J. Assange

Mr. Pollack,

I am following up on this request.

Thank you,

Mike

**Michael Gottlieb**  
**Willkie Farr & Gallagher LLP**  
1875 K Street, N.W. | Washington, DC 20006-1238  
Direct: [+1 202 303 1442](tel:+12023031442) | Fax: +1 202 303 2442  
[mgottlieb@willkie.com](mailto:mgottlieb@willkie.com) | [vCard](#) | [www.willkie.com/bio](http://www.willkie.com/bio)

On Apr 22, 2019, at 8:36 AM, Pollack, Barry <[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)> wrote:

No, I do not represent WikiLeaks. I represent Mr. Assange only and only with respect to criminal litigation. I will do my best to pass on the message to Mr. Assange with respect to your subpoena when I can.

Barry J. Pollack

On Apr 22, 2019, at 7:18 AM, Gottlieb, Michael <[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)> wrote:

Mr. Pollack,

We understand that, but nonetheless we trust that you will communicate our request to your client when you do speak to him. If there is another attorney to whom we might address our request, please do let us know. Separately, it would also be helpful for us to know whether you represent



WikiLeaks as an entity.

Regards,

Mike

**Michael Gottlieb**  
**Willkie Farr & Gallagher LLP**  
1875 K Street, N.W. | Washington, DC 20006-1238  
Direct: [+1 202 303 1442](tel:+12023031442) | Fax: +1 202 303 2442  
[mgottlieb@willkie.com](mailto:mgottlieb@willkie.com) | [vCard](#) | [www.willkie.com/bio](http://www.willkie.com/bio)

---

**From:** Pollack, Barry [<mailto:bpollack@robbinsrussell.com>]  
**Sent:** Saturday, April 20, 2019 8:02 AM  
**To:** Gottlieb, Michael <[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)>  
**Cc:** Hall, Samuel <[SHall@willkie.com](mailto:SHall@willkie.com)>; Joshua Riley  
<[jriley@bsfllp.com](mailto:jriley@bsfllp.com)>  
**Subject:** Re: Correspondence re J. Assange

Mike,

I do not presently have the ability to communicate with my client and am not sure when I will be able to do so.

Barry J. Pollack

On Apr 20, 2019, at 5:53 AM, Gottlieb, Michael  
<[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)> wrote:

Mr. Pollack,

Thank you for your prompt reply. To clarify, we understand that you do not currently have authorization to accept service of a subpoena on behalf of Mr. Assange. Our letter, however, requests that you ask your client whether, given the extraordinary circumstances, he is willing to provide you with that authorization. We trust you will communicate that request to your client and inform us of his position given the importance of these issues to our respective clients and the public interest.

Regards,

Mike

**Michael Gottlieb**

**Willkie Farr & Gallagher LLP**

1875 K Street, N.W. | Washington, DC 20006-1238

Direct: [+1 202 303 1442](tel:+12023031442) | Fax: +1 202 303 2442  
[mgottlieb@willkie.com](mailto:mgottlieb@willkie.com) | [vCard](#) | [www.willkie.com bio](http://www.willkie.com/bio)

On Apr 19, 2019, at 4:25 PM, Pollack, Barry  
<[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)> wrote:

Thanks. To be clear, I am NOT  
authorized to accept service of  
this subpoena.

Barry J. Pollack  
Robbins, Russell, Englert,  
Orseck, Untereiner & Sauber, LLP  
2000 K Street, N.W.  
4th Floor  
Washington, DC 20006  
(202) 775-4514 phone  
(202) 775-4510 fax  
[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)

<[image001.jpg](#)>

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**From:** Gottlieb, Michael

<[MGottlieb@willkie.com](mailto:MGottlieb@willkie.com)>

**Sent:** Friday, April 19, 2019 3:15  
PM

**To:** Pollack, Barry

<[bpollack@robbinsrussell.com](mailto:bpollack@robbinsrussell.com)>

**Cc:** Hall, Samuel

<[SHall@willkie.com](mailto:SHall@willkie.com)>; Joshua Riley

<[jriley@bsflp.com](mailto:jriley@bsflp.com)>

**Subject:** Correspondence re J.  
Assange

Dear Mr. Pollack,

Please see the attached  
correspondence regarding your  
client, Mr. Assange.

Respectfully,

Mike Gottlieb

**Michael Gottlieb**  
**Willkie Farr & Gallagher LLP**  
1875 K Street, N.W. | Washington,  
DC 20006-1238  
Direct: [+1 202 303 1442](tel:+12023031442) | Fax: +1  
202 303 2442  
[mgottlieb@willkie.com](mailto:mgottlieb@willkie.com) | [vCard](#) |  
[www.willkie.com/bio](http://www.willkie.com/bio)

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**Important Notice:** This email message is intended to be received only by persons entitled to receive the confidential information it may contain. Email messages to clients of Willkie Farr & Gallagher LLP presumptively contain information that is confidential and legally privileged; email messages to non-clients are normally confidential and may also be legally privileged.

Please do not read, copy, forward or store this message unless you are an intended recipient of it. If you have received this message in error, please forward it back. Willkie Farr & Gallagher LLP is a limited liability partnership organized in the United States under the laws of the State of Delaware, which laws limit the personal liability of partners.

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organized in the United States under the laws of the State of Delaware, which laws limit the personal liability of partners.

<image001.jpg>

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# EXHIBIT 17

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**From:** Meryl Governski  
**Sent:** Tuesday, September 10, 2019 9:36 AM  
**To:** [wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org)  
**Cc:** Gottlieb, Michael  
**Subject:** Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C)

To the Legal Representatives of WikiLeaks,

This Firm represents Aaron Rich—whose brother Seth was murdered in Washington, D.C. in July 2016—in ongoing federal litigation before the United States District Court for the District of Columbia. *See Rich v. Butowsky et al*, No. 1:18-cv-00681-RJL (D.D.C). We believe that the interests of transparency and open government would be aided by your participation in our litigation. Towards that end, we have for more than a year attempted to reach you and your representatives via diplomatic channels, as well as through legal counsel of Mr. Julian Assange in the United States, Mr. Barry Pollack. We have received no assistance in our efforts to date.

Your website provides this email address ([wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org)) as the proper recipient for “all USA legal correspondence to our lawyers” but also states that you “do not accept electronic serving of legal documents.” We are writing to inquire whether, notwithstanding that declaration, you would be willing to discuss conditions under which you could participate in our litigation, including but not limited to your agreement to accept service of a subpoena issued pursuant to Rule 45 of the Federal Rules of Civil Procedure. Alternatively, we would be pleased to discuss this matter with your outside counsel, if you provide us with the appropriate contact information.

Thank you for your prompt attention to this important matter.

Respectfully,  
Meryl Governski

# EXHIBIT 18

---

**From:** Mimecast Administrator  
**Sent:** Tuesday, September 10, 2019 10:50 AM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Warning

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Warning

This message is a warning that an email you are trying to send has not yet been delivered. You do not have to do anything yet as the email is still queued for delivery.

An email you addressed to email address :  
-- wl-legal@sunshinepress.org

has not yet been delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 6 attempt(s) to deliver over a period of 1 hour(s).

You will receive a rejection notice after a maximum of 2 days if the email cannot be delivered. If you sent the email to multiple recipients you will receive one of these messages for each one which is still undelivered, otherwise they have been sent.

If you have any questions, please contact your local IT support or Email BSFMimecastAdmin@bsfllp.com.

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The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]



# EXHIBIT 19

---

**From:** Meryl Governski  
**Sent:** Tuesday, September 10, 2019 11:13 AM  
**To:** wl-lawyers@sunshinepress.org  
**Cc:** Gottlieb, Michael  
**Subject:** FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C)

To the Legal Representatives of WikiLeaks,

I am forwarding the below email to you at this email address ([wl-lawyers@sunshinepress.org](mailto:wl-lawyers@sunshinepress.org)) because we received a notice that the email sent to [wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org) was not delivered due to an “unavailable or busy” server. We hope you are able to pay prompt attention to this important matter.

---

**From:** Meryl Governski  
**Sent:** Tuesday, September 10, 2019 9:36 AM  
**To:** 'wl-legal@sunshinepress.org'  
**Cc:** Gottlieb, Michael  
**Subject:** Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C)

To the Legal Representatives of WikiLeaks,

This Firm represents Aaron Rich—whose brother Seth was murdered in Washington, D.C. in July 2016—in ongoing federal litigation before the United States District Court for the District of Columbia. *See Rich v. Butowsky et al*, No. 1:18-cv-00681-RJL (D.D.C). We believe that the interests of transparency and open government would be aided by your participation in our litigation. Towards that end, we have for more than a year attempted to reach you and your representatives via diplomatic channels, as well as through legal counsel of Mr. Julian Assange in the United States, Mr. Barry Pollack. We have received no assistance in our efforts to date.

Your website provides this email address ([wl-legal@sunshinepress.org](mailto:wl-legal@sunshinepress.org)) as the proper recipient for “all USA legal correspondence to our lawyers” but also states that you “do not accept electronic serving of legal documents.” We are writing to inquire whether, notwithstanding that declaration, you would be willing to discuss conditions under which you could participate in our litigation, including but not limited to your agreement to accept service of a subpoena issued pursuant to Rule 45 of the Federal Rules of Civil Procedure. Alternatively, we would be pleased to discuss this matter with your outside counsel, if you provide us with the appropriate contact information.

Thank you for your prompt attention to this important matter.

Respectfully,  
Meryl Governski

# EXHIBIT 20

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**From:** Mimecast Administrator  
**Sent:** Tuesday, September 10, 2019 12:53 PM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Warning

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Warning

This message is a warning that an email you are trying to send has not yet been delivered. You do not have to do anything yet as the email is still queued for delivery.

An email you addressed to email address :  
-- wl-lawyers@sunshinepress.org

has not yet been delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 6 attempt(s) to deliver over a period of 1 hour(s).

You will receive a rejection notice after a maximum of 2 days if the email cannot be delivered. If you sent the email to multiple recipients you will receive one of these messages for each one which is still undelivered, otherwise they have been sent.

If you have any questions, please contact your local IT support or Email BSFMimecastAdmin@bsfllp.com.

-----  
The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]

# EXHIBIT 21

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**From:** Mimecast Administrator  
**Sent:** Saturday, September 14, 2019 6:49 AM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Failure

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Failure

This is a delivery failure notification message indicating that an email you addressed to email address :  
-- wl-legal@sunshinepress.org

could not be delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 30 attempt(s) to deliver over a period of 93 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.

If you have any questions, please contact your local IT support or Email BSFMimecastAdmin@bsfllp.com.

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# EXHIBIT 22

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**From:** Mimecast Administrator  
**Sent:** Saturday, September 14, 2019 8:31 AM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Failure

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Failure

This is a delivery failure notification message indicating that an email you addressed to email address :  
-- wl-lawyers@sunshinepress.org

could not be delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 30 attempt(s) to deliver over a period of 93 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.

If you have any questions, please contact your local IT support or Email BSFMimecastAdmin@bsfllp.com.

-----  
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# EXHIBIT 23

## Erica Spevack

---

**From:** Meryl Governski  
**Sent:** Friday, September 20, 2019 10:15 AM  
**To:** wl-lawyers@sunshinepress.org; wl-legal@sunshinepress.org  
**Cc:** Gottlieb, Michael  
**Subject:** FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C)

To the Legal Representatives of WikiLeaks,

I am again attempting to forward the below email to you at these email addresses (wl-lawyers@sunshinepress.org<mailto:wl-lawyers@sunshinepress.org> and wl-legal@sunshinepress.org<mailto:wl-legal@sunshinepress.org>). I received a notice that the emails I previously sent to both of these email addresses were not delivered due to an “unavailable or busy” server. We hope you are able to pay prompt attention to this important matter.

From: Meryl Governski  
Sent: Tuesday, September 10, 2019 11:13 AM  
To: 'wl-lawyers@sunshinepress.org'  
Cc: Gottlieb, Michael  
Subject: FW: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C)

To the Legal Representatives of WikiLeaks,

I am forwarding the below email to you at this email address (wl-lawyers@sunshinepress.org<mailto:wl-lawyers@sunshinepress.org>) because we received a notice that the email sent to wl-legal@sunshinepress.org<mailto:wl-legal@sunshinepress.org> was not delivered due to an “unavailable or busy” server. We hope you are able to pay prompt attention to this important matter.

From: Meryl Governski  
Sent: Tuesday, September 10, 2019 9:36 AM  
To: 'wl-legal@sunshinepress.org'  
Cc: Gottlieb, Michael  
Subject: Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C)

To the Legal Representatives of WikiLeaks,

This Firm represents Aaron Rich—whose brother Seth was murdered in Washington, D.C. in July 2016—in ongoing federal litigation before the United States District Court for the District of Columbia. See Rich v. Butowsky et al, No. 1:18-cv-00681-RJL (D.D.C). We believe that the interests of transparency and open government would be aided by your participation in our litigation. Towards that end, we have for more than a year attempted to reach you and your representatives via diplomatic channels, as well as through legal counsel of Mr. Julian Assange in the United States, Mr. Barry Pollack. We have received no assistance in our efforts to date.

Your website provides this email address (wl-legal@sunshinepress.org<mailto:wl-legal@sunshinepress.org>) as the proper recipient for “all USA legal correspondence to our lawyers” but also states that you “do not accept electronic serving of legal documents.” We are writing to inquire whether, notwithstanding that declaration,

you would be willing to discuss conditions under which you could participate in our litigation, including but not limited to your agreement to accept service of a subpoena issued pursuant to Rule 45 of the Federal Rules of Civil Procedure. Alternatively, we would be pleased to discuss this matter with your outside counsel, if you provide us with the appropriate contact information.

Thank you for your prompt attention to this important matter.

Respectfully,

Meryl Governski

# EXHIBIT 24

---

**From:** Mimecast Administrator  
**Sent:** Friday, September 20, 2019 11:29 AM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Warning

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Warning

This message is a warning that an email you are trying to send has not yet been delivered. You do not have to do anything yet as the email is still queued for delivery.

An email you addressed to email address :  
-- wl-lawyers@sunshinepress.org

has not yet been delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 6 attempt(s) to deliver over a period of 1 hour(s).

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The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]

# EXHIBIT 25

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**From:** Mimecast Administrator  
**Sent:** Friday, September 20, 2019 11:29 AM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Warning

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Warning

This message is a warning that an email you are trying to send has not yet been delivered. You do not have to do anything yet as the email is still queued for delivery.

An email you addressed to email address :  
-- wl-legal@sunshinepress.org

has not yet been delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 6 attempt(s) to deliver over a period of 1 hour(s).

You will receive a rejection notice after a maximum of 2 days if the email cannot be delivered. If you sent the email to multiple recipients you will receive one of these messages for each one which is still undelivered, otherwise they have been sent.

If you have any questions, please contact your local IT support or Email BSFMimecastAdmin@bsfllp.com.

-----  
The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]

# EXHIBIT 26



---

**From:** Mimecast Administrator  
**Sent:** Tuesday, September 24, 2019 7:25 AM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Failure

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Failure

This is a delivery failure notification message indicating that an email you addressed to email address :  
-- wl-legal@sunshinepress.org

could not be delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 30 attempt(s) to deliver over a period of 93 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.

If you have any questions, please contact your local IT support or Email BSFMimecastAdmin@bsfllp.com.

-----  
The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]

# EXHIBIT 27

---

**From:** Mimecast Administrator  
**Sent:** Tuesday, September 24, 2019 7:26 AM  
**To:** Meryl Governski  
**Subject:** [Mimecast Postmaster] Email Delivery Failure

Boies, Schiller & Flexner LLP  
Mimecast Email Alert: Delivery Failure

This is a delivery failure notification message indicating that an email you addressed to email address :  
-- wl-lawyers@sunshinepress.org

could not be delivered. The problem appears to be :  
-- Recipient server unavailable or busy

Additional information follows :  
-- Connection timed out

This condition occurred after 30 attempt(s) to deliver over a period of 93 hour(s).

If you sent the email to multiple recipients, you will receive one of these messages for each one which failed delivery, otherwise they have been sent.

If you have any questions, please contact your local IT support or Email BSFMimecastAdmin@bsfllp.com.

-----  
The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]

# EXHIBIT 28

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

AARON RICH

Plaintiff,

V.

EDWARD BUTOWSKY,  
MATTHEW COUCH  
AMERICA FIRST MEDIA,  
Defendants.

Case No. 1:18-cv-00681-RJL

Honorable Richard J. Leon

**DEFENDANT MATTHEW COUCH'S RULE 26(a) INITIAL DISCLOSURES**

Defendant Matthew Couch submits the following disclosures pursuant to Rule 26(a)(1). These disclosures are based upon information that is now reasonably available to Mr. Couch. He reserves his right to supplement and/or amend these disclosures pursuant to Rule 26(e)(1)

These disclosures do not include the names of any potential experts retained or consulted by Mr. Couch. He will produce information relating to experts as may be appropriate under Rule 26(a)(2) and any Scheduling Orders entered by the Court. In addition, the disclosures do not include documents that may be in the possession of the Plaintiff.

These disclosures do not constitute a waiver of any work product protection and are without prejudice to any other issue or argument.

**I. Individuals Likely to Have Discoverable Information:**

Individuals listed below may have discoverable information that Mr. Couch may use to support his defenses. The description of each person's likely discoverable information is not necessarily limited to the topics described below. Investigation and discovery are

ongoing. Mr. Couch reserves the right to supplement this list as information becomes available.

1. Edward Butowsky  
c/o Counsel

Mr. Butowsky has knowledge of certain facts and circumstances alleged in the complaint.

2. Cassandra Fairbanks  
Address unknown

Ms. Fairbanks has knowledge about statements made by Julian Assange relevant to the leaking of DNC, Clinton campaign and/or John Podesta-related emails and attachments (collectively, “DNC emails”).

3. Michael Isikoff  
Address unknown

Mr. Isikoff has knowledge about the podcasts he has produced relating to, among other things, Aaron Rich, Matt Couch, the alleged DNC hacking and investigations and news reports relating to the foregoing.

4. Malia Zimmerman  
c/o Dechert LLP

Ms. Zimmerman has knowledge about her investigation of and the article she wrote about the leaking of the DNC emails to Wikileaks and the FBI’s report relating to the leaked DNC emails.

5. Joel Rich  
c/o Massey & Gail

Mr. Rich has knowledge of his communications with Mr. Butowsky, Mr. Wheeler and Aaron Rich.

6. Mary Rich  
c/o Massey & Gail

Ms. Rich has knowledge of her communications with Mr. Butowsky, Mr. Wheeler and Aaron Rich.

7. Rod Wheeler  
14006 Silver Teal Way  
Upper Marlboro, MD 20744

Mr. Wheeler has knowledge relating to his communications with Aaron Rich, Mr. Butowsky, Mary Rich, Joel Rich and other persons with knowledge of matters alleged in the Complaint.

8. Kelsey Mulka  
Address unknown  
Ms. Mulka has knowledge about her communications with Aaron Rich relating to Seth Rich.
9. Dr. Tore Linderman  
Address unknown

Dr. Landsman has knowledge about communications between Aaron Rich and Kelsey Mulka relating to Seth Rich.

10. Donna Brazile  
Address unknown

Ms. Brazile has knowledge about her interactions and communications with Aaron Rich and circumstances surrounding the murder of Seth Rich.

11. Seymour Hersch  
Address unknown

Mr. Rich has knowledge of the leaking of the DNC emails to Wikileaks and the FBI's report relating to the leaked DNC emails.

12. Ellen Ratner  
Address unknown

Ms. Ratner has knowledge of her communications with Julian Assange relating to the leak of DNC emails to Wikileaks by one or more DNC insiders or affiliated persons.

13. Christopher Steele  
Address unknown

Mr. Steele has knowledge relating to the role of internal DNC operatives in the alleged hacking of the DNC and the communication of the DNC emails to Wikileaks.

14. Aaron Rich  
c/o Boies Schiller Flexner LLP

Mr. Rich has knowledge of the facts alleged in the complaint.

15. Julian Assange  
Belmarsh Prison, UK

Mr. Assange knows the identity of the individual or individuals who leaked the DNC emails to him. Mr. Assange knows the identity of the individual or individuals to whom payment was made for the DNC emails.

16. Joseph DellaCamera  
Metropolitan Police Department of Washington D.C.  
300 Indiana Avenue, NW Washington, DC 20001

Mr. DellaCamera has knowledge about the murder of Seth Rich.

17. Kevin Doherty  
Nottoway Correctional Center  
Schutt Road Burkeville, VA. 23922

Mr. Doherty has knowledge of the murder of Seth Rich.

18. Pratt Wiley  
Address unknown



Mr. Wiley has relevant information relating to Seth Rich and Aaron Rich derived from conversation with both prior to Seth Rich's murder.

19. District of Columbia Chief Medical Examiner  
OCME  
Dr. Roger A. Mitchell  
401 E. St. SW  
Washington D.C. 20004

Mr. Mitchel has knowledge about the autopsy performed on Seth Rich and the cause of death.

20. Dimitri Alperowitch  
Chief Technology Officer  
CrowdStrike Holdings, Inc.  
150 Mathilda Place, Suite 300  
Sunnyvale, California 9408

Mr. Alperowitch has knowledge of certain matters alleged in the Complaint.

21. Shawn Henry  
President of CrowdStrike Services and Chief Security Officer  
CrowdStrike Holdings, Inc.  
150 Mathilda Place, Suite 300  
Sunnyvale, California 9408

Mr. Henry has knowledge of certain matters alleged in the Complaint.

22. Kim Dotcom  
Address unknown in New Zealand  
kim@kim.com

Mr. Dotcom has information on the leaking of the DNC emails to Wikileaks.

23. Craig Murray  
Address unknown in the United Kingdom

Mr. Murray has information on the leaking of the DNC emails to Wikileaks.

24. Andrew McCabe  
Address unknown

Mr. McCabe has information about the alleged hacking of Seth Rich's gmail account by foreign operatives and the FBI's investigation of Seth Rich's computer.

In addition to the persons identified above, Mr. Couch also identifies the persons named in Plaintiff's Initial Disclosures pursuant to Rule 26(a)(1)(A).

II. **Relevant Documents:**

Mr. Couch has in his possession, custody or control the following categories of documents that may be used to support his defenses.

1. Documents in his own custodial files, to be collected and produced in discovery, including e-mails, social media accounts, audio recordings and other electronic documents; and
2. Documents that have been or will be produced by Plaintiff or third parties in discovery.

Mr. Couch reserves the right to supplement these Initial Disclosures and acknowledges that he will be required to supplement this information based upon further discovery and expert testimony and reports.

III. **Damages:**

Not applicable.

IV. **Insurance Agreements:**

None.

Dated: August 18, 2019

Matthew Couch

MATTHEW COUCH, *pro se*  
4000 S Dixieland A-201  
Rogers, AR 72758

**CERTIFICATE OF SERVICE**

I hereby certify that on August 18, 2019, a copy of the foregoing was served by agreement by electronic mail on the foregoing:

Joshua Riley  
Meryl C. Governski  
BOIES SCHILLER FLEXNER LLP  
1401 New York Ave, N.C  
Washington, DC 2005  
[jriley@fsflip.com](mailto:jriley@fsflip.com)  
[mgovernski@bsflip.com](mailto:mgovernski@bsflip.com)

Micahel J. Gottlieb  
WILLKIE FARR & GALLAGHER LLP  
1875 K. Street, N.W.  
Washington, D.C. 20006  
[mgottlieb@willkie.com](mailto:mgottlieb@willkie.com)

Philip Harvey  
Harvey & Binnalli, PLLC  
717 King Street, Suite 300  
Alexandria VA 22314  
United States of America  
[pharvey@harveybinnal.com](mailto:pharvey@harveybinnal.com)

*Matthew Couch*  
MATTHEW COUCH, *pro se*  
4000 S Dixieland A-201  
Rogers, AR 72758



# EXHIBIT 29

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

**AARON RICH,**

**Plaintiff,**

**v.**

**EDWARD BUTOWSKY, *et al.*,**

**Defendants.**

**Case No. 1:18-cv-681-RJL**

**DEFENDANT BUTOWSKY'S RULE 26(a) INITIAL DISCLOSURES**

Defendant Edward Butowsky submits the following disclosures pursuant to Rule 26(a)(1). These disclosures are based upon information that is now reasonably available to Mr. Butowsky. He reserves the right to supplement and/or amend these disclosures pursuant to Rule 26(e)(1).

These disclosures do not include the names of any potential experts retained or consulted by Mr. Butowsky. He will produce information relating to experts as may be appropriate under Rule 26(a)(2) and any Scheduling Orders entered by the Court. In addition, the disclosures do not include documents that may be in the possession of the Plaintiff.

These disclosures do not constitute a waiver of any work product protection and are without prejudice to any other issue or argument.

**I. Individuals Likely to Have Discoverable Information:**

Individuals listed below may have discoverable information that Mr. Butowsky may use to support his defenses. The description of each person's likely discoverable information is not necessarily limited to the topics described

below. Investigation and discovery are ongoing. Mr. Butowsky may supplement this list as information becomes available.

1. Edward Butowsky  
c/o Counsel

Mr. Butowsky has knowledge of some of the facts and circumstances alleged in the complaint.

2. Matthew Couch  
2300 West Ash Street  
Rogers, AR 72758

Mr. Couch has knowledge of some of the facts and circumstances alleged in the complaint.

3. Cassandra Fairbanks  
Address unknown

Ms. Fairbanks has knowledge about the articles she wrote about Seth Rich's murder and investigation and about statements made by Julian Assange about Aaron Rich.

4. Malia Zimmerman  
c/o Dechert LLP

Ms. Zimmerman has knowledge about her investigation of and the article she wrote about Seth Rich's murder and about the FBI's file on the Seth Rich murder investigation.

5. Joel Rich  
c/o Massey & Gail

Mr. Rich has knowledge of his communications with Mr. Butowsky and the hiring of Rod Wheeler to investigate Seth Rich's murder.

6. Mary Rich  
c/o Massey & Gail

Ms. Rich has knowledge of his communications with Mr. Butowsky and the hiring of Rod Wheeler to investigate Seth Rich's murder.

7. Rod Wheeler  
14006 Silver Teal Way  
Upper Marlboro, MD 20744



Mr. Wheeler has knowledge regarding his investigation of Seth Rich's murder, his communications with Mr. Butowsky, his communications with Mary Rich and Joel Rich.

8. Seymour Hersch  
Address unknown

Mr. Hersch has knowledge of his investigation of Seth Rich's murder and communications with Mr. Butowsky regarding the same.

9. Larry Johnson  
Address unknown

Mr. Johnson has knowledge of his investigation of Seth Rich's murder and communications with Mr. Butowsky regarding the same.

10. Ellen Ratner  
Address unknown

Ms. Ratner has knowledge of her communications with Julian Assange about Seth Rich's alleged involvement in the DNC hack and about her request that Mr. Butowsky contact the Rich family.

11. Aaron Rich  
c/o Boies Schiller Flexner LLP

Mr. Rich has knowledge of the facts alleged in the complaint.

12. Julian Assange  
Address unknown, believed to be in custody in the United Kingdom

Mr. Assange may have knowledge concerning the downloading of files from the Democratic National Committee

In addition to the person(s) identified above, Mr. Butowsky also identifies all persons named in Plaintiff's Initial Disclosures pursuant to Rule 26(a)(1)(A).

## **II. Relevant Documents:**

Mr. Butowsky has in his possession, custody or control the following categories of documents that may be used to support his defenses:

1. Documents in his own custodial files, to be collected and produced in discovery, including e-mails, social media accounts, audio recordings and other electronic documents; and
2. Documents that have been or will be produced by Plaintiff or third parties in discovery.

Mr. Butowsky reserves the right to supplement and acknowledges that he will be required to supplement this information based upon further discovery and expert testimony and reports.

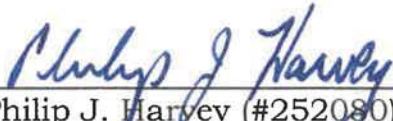
**III. Damages:**

Not applicable.

**IV. Insurance Agreements:**

Mr. Butowsky has a State Farm insurance policy (No. 43CEW0543) with a \$1,000,000 limit, inclusive of litigation expenses, which may be available to indemnify him against a judgment rendered in this case. A copy will be provided.

Dated: August 16, 2019

  
Philip J. Harvey (#252080)  
HARVEY & BINNALL, PLLC  
717 King Street, Suite 300  
Alexandria, Virginia 22314  
(703) 888-1943  
(703) 888-1930 (fax)  
pharvey@harveybinnall.com

*Counsel for Defendant  
Edward Butowsky*


**CERTIFICATE OF SERVICE**

I hereby certify that on August 16, 2019, a copy of the foregoing was served by agreement by electronic mail on the following:

Joshua Riley  
Meryl C. Governski  
BOIES SCHILLER FLEXNER LLP  
1401 New York Ave, N.W.  
Washington, DC 20005  
jriley@bsfllp.com  
mgovernski@bsfllp.com

Michael J. Gottlieb  
WILLKIE FARR & GALLAGHER LLP  
1875 K Street, N.W.  
Washington, DC 20006  
mgottlieb@willkie.com

Matthew Couch  
2300 W Ash Street  
Rogers, Arkansas 72758  
mattcouch@af-mg.com  
*Co-Defendant*

  
Philip J. Harvey (#252080)

# EXHIBIT 30

**From:** [Matt Couch](#)  
**To:** [Joshua Riley](#); [michael moates](#); [Meryl Governski](#); [Sam Hall](#); [Bill Pierce](#); [Josh Flippo](#)  
**Subject:** Rich v. Butowsky Answers to Interrogatories for AFM & Couch  
**Date:** Sunday, June 23, 2019 7:39:10 PM  
**Attachments:** [REPLY FOR REQUEST MATT COUCH.doc](#)  
[REPLY FOR REQUESTED DOCUMENTS \(AFM\).doc](#)  
[INTEROGATORIES MATT COUCH.doc](#)  
[ANSWERS TO INTEROGATORIES 2.doc](#)

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Mr. Riley,

Please find our answers to all of your requests below. Please let us know if you have any questions.

***Matt Couch***  
***America First Media Group***  
***The DC Patriot***  
[www.thedcpatriot.com](http://www.thedcpatriot.com)  
[479.601.9740](tel:479.601.9740)  
[mattcouch@af-mg.com](mailto:mattcouch@af-mg.com)  
***"Real News in Real Time"***

REPLY FOR REQUESTED DOCUMENTS FROM  
MATHEW COUCH

PRODUCTION NO.1

To the best of our recollection, the only individuals we have had communications with are Cassandra Fairbanks, and The Gateway Pundit.

The communications with Cassandra Fairbanks was in person and in the form of a conversation during dinner at a meeting in March of 2018. At which time Ms. Fairbanks informed our team that she had met with Julian Assange at the Ecuadorian embassy in the UK. Ms. Fairbanks informed us that Mr. Assange told her that he paid Seth Rich and Aaron Rich for information. Mr. Assange's exact words according to Ms. Fairbanks, yes, I paid the boys". Ms. Fairbanks also informed us at the time that Mr. Assange pulled her aside into a private stairwell where recording devices were not present and stated "if I were to buy something on eBay, could I have it shipped here to the embassy. To which Ms. Fairbanks replied, "sure you could". Mr. Assange reiterated his point and stated, "I'm not saying that's how it happened - but I could do that - right?"

The communications with the Gateway Pundit is nothing more than a phone interview which can be found on their website.

PRODUCTION NO. 2

This request is vague and ambiguous and thusly we are unable to give an adequate response. If this is referring to investigative notes, we have none. Everything reverencing the investigation has at one time been posted in articles or tweets.

PRODUCTION NO. 3

There are literally hundreds of individual tweets and articles referencing Seth Rich that have been posted to our website and social media and are readily available publicly. Retrieving and printing all of these would be a relative technical impossibility. All documents and articles are on line however to be viewed at your leisure. All articles referencing Aaron Rich have been removed as per your request.

PRODUCTION NO. 4

In regards to phone records since January 1, 2016. We did not begin actively working on the Seth Rich case until at least August of 2016. Furthermore, personal phone records are in no way related to a public defamation suit.

PRODUCTION NO. 5

In regards to "steps we have taken to preserve documents" - this request is vague and ambiguous. We have no documents concerning steps we have taken to preserve other documents. This request makes little if any sense.

PRODUCTION NO. 6

There is no documentation in existence regarding this request.

# EXHIBIT 31





# Edward Butowsky,

Plaintiff,

**V.**

**Michael Gottlieb, et al.,**

## Defendants

**Case No. 4:19-cv-180**

## DECLARATION OF EDWARD BUTOWSKY

My name is Edward Butowsky, I am greater than 18 years of age, and I am competent to testify. I testify as follows based on my own personal knowledge, under penalty of perjury under the laws of the United States of America, and as witnessed by my signature below:

1. In December of 2016 I was contacted by a friend, Ellen Ratner, who said she had recently met with Julian Assange in London, England. Mr. Assange is the founder of Wikileaks. According to Ms. Ratner, Mr. Assange wanted to relay information to Joel and Mary Rich regarding the murder of their son Seth. In particular, she said Mr. Assange wanted to let the Riches know that Seth had leaked emails from the Democratic National Committee (“DNC”) to Wikileaks, and that might have been a motive for his murder.

2. Shortly thereafter, I made contact with Joel Rich by telephone and I told him what reportedly had been said by Mr. Assange. Mr. Rich acted unsurprised and told me that he knew his “sons” were involved in leaking emails from the DNC to Wikileaks.

3. In their lawsuit against me in the Southern District of New York, Joel and Mary Rich alleged the following:

In December 2016, Joel and Mary spoke by phone with Butowsky. Butowsky told Joel and Mary that he had heard second-hand that Julian Assange said WikiLeaks received the DNC emails from Seth. Joel and Mary assured Butowsky there was no way that was true.

ORIGINAL COMPLAINT (Doc. No. 1)(hereinafter “RICH COMPLAINT”), *Joel and Mary Rich*

*v. Fox News Network, LLC, et al.*, Case No. 1:18-cv-02223-GBD (S.D.N.Y.) (attached as an exhibit to DEFENDANT SUSMAN GODFREY'S MOTION TO DISMISS). The foregoing paragraph is false. Only Joel Rich was on the phone, and neither he nor his wife disputed what I relayed from Mr. Assange. On the contrary, Mr. Rich corroborated it.

4. During subsequent media interviews, I initially stated that Joel and Mary Rich denied that their sons were involved in leaking emails to Wikileaks. My statements to the media at that time were false, and I made the false statements because Joel Rich asked me not to let the public know that Seth Rich was involved in the leaks. Specifically, he told me that he did not want the public to know that his son was responsible for getting Donald Trump elected President. I honored his request until he and his wife betrayed me by publicly attacking me and filing suit against me. Likewise, I initially protected the identity of Ellen Ratner after she relayed the information from Julian Assange. She subsequently made false statements about me in unrelated litigation, so I no longer felt any obligation to protect her, either.

5. On or about November 14, 2018, I was allowed to listen to a phone conversation between Julian Assange and a third party. During that conversation, Mr. Assange discussed how Seth Rich and Aaron Rich had transferred emails to Wikileaks and received payment in return.

6. In a press release dated March 14, 2018, two law firms and a political consulting firm announced that the RICH COMPLAINT had been filed against me. A true and correct copy of that press release is attached as an exhibit to this declaration. The opening sentence reads as follows: "Massey & Gail LLP, Susman Godfrey LLP and The Pastorum Group announced today that on behalf of Joel and Mary Rich, the grieving parents of a murdered child, they have brought a suit against Fox News, reporter Malia Zimmerman and contributor Ed Butowsky, seeking justice for the Riches for having become collateral damage in a political war to which they are innocent bystanders" (emphasis added). I found it highly unusual for a political consulting firm, *i.e.*, The Pastorum Group, to announce that it was filing a lawsuit on behalf of the Riches. Brad Bauman is a partner in The Pastorum Group, and he was listed as the media contact on the press release.

7. Shortly after my original phone conversation with Joel Rich, he informed me that Mr. Bauman was "assigned" to the Rich family by the DNC. Mr. Bauman frequently appeared as a spokesman for the Rich family, to include Aaron Rich. According to his firm's website, <https://www.thepastorumgroup.com/>, he and his partners provide communications and consulting services to left-wing candidates and causes.

8. About two months after helping organize Joel and Mary Rich's lawsuit against me, Mr. Bauman filed his own lawsuit against me. His lawsuit was nothing short of ridiculous, and it was dismissed on March 29, 2019 for failure to state a claim. *See*

*Bauman v. Butowsky*, CV 18-01191 (RJL), 377 F.Supp.3d 1, 2019 WL 1433595 (D.D.C. Mar. 29, 2019).

9. Based on the foregoing facts, it appears that Mr. Bauman has been coordinating a defamation and bad-faith litigation campaign against me in order to discredit and silence me or anyone else who questions the circumstances surrounding Seth Rich's murder. Since he filed suit against me himself, and since he admitted that he had a role in organizing Joel and Mary Rich's lawsuit against me, I concluded that he was also responsible for organizing the lawsuit filed by the only other member of the Rich family, *i.e.*, Aaron Rich. In other words, I believe Mr. Bauman was responsible for recruiting Michael Gottlieb, Meryl Governski, and Boies Schiller Flexner, LLP to file suit against me on behalf of Aaron Rich.

10. In Exhibits 11 and 12 to their motion for sanctions against me, Defendants Gottlieb, Governski, and Boies Schiller Flexner, LLP attached purported correspondence with attorneys representing Julian Assange. I had never seen this correspondence until after my SECOND AMENDED COMPLAINT was filed, and I find it wholly unpersuasive. For nearly 17 months, the Boies Schiller Defendants have been offering excuses for why they cannot serve a subpoena on Julian Assange or Wikileaks. They have indeed tried to make it appear that they are trying to serve Mr. Assange and Wikileaks with subpoenas, but their efforts are a sham. More than a year ago, my attorney notified the Boies Schiller Defendants that the U.S. District Court for the District of Columbia (where their client's case against me is pending) had authorized service of a lawsuit on Wikileaks via Twitter. Rather than attempt to serve Mr. Assange or Wikileaks via Twitter, however, Defendant Gottlieb filed a bar grievance accusing my attorney of unauthorized practice of law in D.C. To this day, the Boies Schiller Defendants have never sought permission to serve Mr. Assange or Wikileaks via Twitter, ergo they are not serious about serving subpoenas on Mr. Assange or Twitter.

Today's date is October 25, 2019.

THE DECLARANT SAYS NOTHING FURTHER.



---

Ed Butowsky

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AARON RICH

Plaintiff,

v.

EDWARD BUTOWSKY,  
MATTHEW COUCH, and  
AMERICA FIRST MEDIA,

Defendants.

Civil Action No. 1:18-cv-00681-RJL

Hon. Richard J. Leon

**[PROPOSED] ORDER**

UPON CONSIDERATION of Plaintiff's Motion for Issuance of a Letter of Request, it is hereby:

ORDERED that Plaintiff's Motion is Granted; and

ORDERED that the Court will issue Plaintiff's proposed Letter of Request, Governski Decl. Ex. 1, to the United Kingdom court system.

SO ORDERED.

ENTERED this \_\_\_\_ day of \_\_\_\_, 2019

\_\_\_\_\_  
Judge Richard J. Leon  
U.S. District Court for the District of Columbia

**NAMES OF PERSONS TO BE SERVED WITH PROPOSED ORDER UPON ENTRY**

In accordance with LCvR 7(k), listed below are the names and addresses of the attorneys and parties entitled to be notified of the proposed order's entry:

Michael J. Gottlieb  
Willkie Farr Gallagher LLP  
1875 K Street NW  
Washington, DC 20006  
Tel: (202) 303-1442  
Fax: (202) 303-2000  
mgottlieb@willkie.com

Joshua P. Riley  
Meryl C. Governski  
Boies Schiller Flexner LLP  
1401 New York Ave NW  
Washington DC 20005  
Tel: (202) 237-2727  
Fax: (202) 237-6131  
jriley@bsfllp.com  
mgovernski@bsfllp.com

*Attorneys for Plaintiff Aaron Rich*

Edward Butowsky  
2200 Bradbury Court  
Plano, TX 75093

*Pro Se*

Eden P. Quainton  
Quainton Law, PLLC  
1001 Avenue of the Americas, 11th Floor  
New York, NY 10018  
(212) 813-8389  
(212) 813-8390 facsimile

*Attorney for Defendant Matthew Couch*

America First Media  
2300 West Ash Street  
Rogers, AR 72758

*Pro Se*